

DOCUMENT RESUME

ED 281 076

CG 019 809

TITLE Oversight Hearing on the Juvenile Justice and Delinquency Prevention Act. Hearing before the Subcommittee on Human Resources of the Committee on Education and Labor. House of Representatives, Ninety-Ninth Congress, Second Session (June 19, 1986). Serial No. 99-147.

INSTITUTION Congress of the U.S., Washington, D.C. House Committee on Education and Labor.

PUB DATE 87

NOTE 100p.; Serial No. 99-147. Some sections use small print.

AVAILABLE FROM Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

PUB TYPE Legal/Legislative/Regulatory Materials (090)

EDRS PRICE MF01/PC04 Plus Postage.

DESCRIPTORS Adolescents; Children; *Community Programs; *Delinquency; *Delinquency Prevention; *Federal Aid; Federal Legislation; Hearings; *State Programs; Youth Problems; *Youth Programs

IDENTIFIERS Congress 99th; *Juvenile Justice Delinquency Prevention Act 1974

ABSTRACT

This document contains witnesses' testimonies and prepared statements from a Congressional hearing called to discuss successful programs and approaches to serving youth more effectively in the field of juvenile justice. In his opening statement, Representative Dale Kildee emphasizes that much of the progress made in the field of juvenile justice is due to the Juvenile Justice and Delinquency Prevention Act. Witnesses providing testimony include: (1) Patricia Cuza, director, Michigan Office of Criminal Justice; (2) Edward Loughran, commissioner, Massachusetts Department of Youth Services; (3) Luke Quinn, judge of probate and chairman, Subcommittee on Juvenile Justice, National Association of Counties, Flint, Michigan; (4) Ira Schwartz, senior fellow, Center for the Study of Youth Policy, Hubert H. Humphrey Institution of Public Affairs, University of Minnesota; and (5) C. Ronald Stromberg, director, Utah Division of Youth Corrections. Prepared statements and supplemental materials provided by witnesses are included, along with letters to the subcommittee from Martha Norris Gilbert, director, Virginia Department for Children; Lynn Lyss, Midwest State Advisory Group Coalition; and Michael Stringer, director, Ohio Governor's Office of Criminal Justice Services. Appended is a Community Research Associates profile publication entitled "The Michigan Holdover Network; Short Term Supervision Strategies for Rural Counties." (NB)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

OVERSIGHT HEARING ON THE JUVENILE JUSTICE
AND DELINQUENCY PREVENTION ACT

ED281076

HEARING
BEFORE THE
SUBCOMMITTEE ON HUMAN RESOURCES
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-NINTH CONGRESS
SECOND SESSION

HEARING HELD IN WASHINGTON, DC, JUNE 19, 1986

Serial No. 99-147

Printed for the use of the Committee on Education and Labor

CG 019809



U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.

☐ Minor changes have been made to improve
reproduction quality.

- Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

U.S. GOVERNMENT PRINTING OFFICE

63-952 O

WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

COMMITTEE ON EDUCATION AND LABOR

AUGUSTUS F. HAWKINS, California, *Chairman*

WILLIAM D. FORD, Michigan	JAMES M. JEFFORDS, Vermont
JOSEPH M. GAYDOS, Pennsylvania	WILLIAM F. GOODLING, Pennsylvania
WILLIAM (BILL) CLAY, Missouri	E. THOMAS COLEMAN, Missouri
MARIO BIAGGI, New York	THOMAS E. PETRI, Wisconsin
AUSTIN J. MURPHY, Pennsylvania	MARGE ROUKEMA, New Jersey
DALE E. KILDEE, Michigan	STEVE GUNDERSON, Wisconsin
PAT WILLIAMS, Montana	STEVE BARTLETT, Texas
MATTHEW G. MARTINEZ, California	ROD CHANDLER, Washington
MAJOR R. OWENS, New York	THOMAS J. TAUKE, Iowa
RICK BOUCHER, Virginia	JOHN R. McKEENAN, Jr., Maine
CHARLES A. HAYES, Illinois	RICHARD K. ARMEY, Texas
CARL C. PERKINS, Kentucky	HARRIS W. FAWELL, Illinois
TERRY L. BRUCE, Illinois	PAUL B. HENRY, Michigan
STEPHEN J. SOLARZ, New York	
MERVYN M. DYMALLY, California	
DENNIS E. ECKART, Ohio	
TIMOTHY J. PENNY, Minnesota	
CHESTER G. ATKINS, Massachusetts	

SUBCOMMITTEE ON HUMAN RESOURCES

DALE E. KILDEE, Michigan, *Chairman*

TERRY L. BRUCE, Illinois	THOMAS J. TAUKE, Iowa
CARL C. PERKINS, Kentucky	E. THOMAS COLEMAN, Missouri
DENNIS E. ECKART, Ohio	THOMAS E. PETRI, Wisconsin
MAJOR R. OWENS, New York	JAMES M. JEFFORDS, Vermont
AUGUSTUS F. HAWKINS, California	(Ex Officio)
(Ex Officio)	

(11)

CONTENTS

	Page
Hearing held in Washington, DC, June 19, 1986.....	1
Statement of:	
Cuza, Patricia A., director, Office of Criminal Justice, State of Michigan, Lansing, MI.....	17
Loughran, Edward J., commissioner, Department of Youth Services, Com- monwealth of Massachusetts, Boston, MA.....	11
Hon. Luke Quinn, judge of probate and chairman, Subcommittee on Juvenile Justice, National Association of Counties, Flint, MI.....	35
Schwartz, Ira M., senior fellow, Center for the Study of Youth Policy, Hubert H. Humphrey Institution of Public Affairs, University of Min- nesota, Minneapolis, MI.....	2
Stromberg, C. Ronald, director, Division of Youth Corrections, State of Utah, Salt Lake City, UT.....	26
Prepared statements, letters, supplemental materials, et cetera:	
Cuza, Patricia A., director, Michigan Office of Criminal Justice, prepared statement of.....	22
Gilbert Martha Norris, director, Department for Children, Common- wealth of Virginia, letter to Chairman Kildee, dated June 23, 1986.....	83
Loughran, Edward J., commissioner, Massachusetts Department of Youth Services, prepared statement of.....	13
Lyss, Lynn, chair, Midwest State Advisory Group Coalition, letter to Chairman Kildee, undated.....	81
Quinn, Hon. Luke, prepared statement on the Juvenile Justice and Delin- quency Prevention Act on behalf of the National Association of Coun- ties.....	38
Schwartz, Ira M., senior fellow, Center for the Study of Youth Policy, Hubert H. Humphrey Institution of Public Affairs, University of Min- nesota, MI, prepared statement.....	6
Stringer, Michael J., director, Governor's Office of Criminal Justice Serv- ices, Columbus, OH, letter to Chairman Kildee, dated July 3, 1986.....	79
Stromberg, C. Ronald, director, Utah State Division of Youth Corrections, Salt Lake City, UT, prepared statement of.....	30

APPENDIX

Community Research Associates (Profile—publication).....	87
--	----

(iii)

OVERSIGHT HEARING ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

THURSDAY, JUNE 19, 1986

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RESOURCES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2261, Rayburn House Office Building, Hon. Dale E. Kildee (chairman of the subcommittee) presiding.

Members present: Representatives Kildee, Bruce, Perkins, and Tauke.

Staff present: Susan Wilhelm, staff director; S. Jefferson McFarland, legislative counsel; Thomas M. Kelley, clerk; and Carol Lamb, minority associate.

Mr. KILDEE. The subcommittee will come to order.

The Subcommittee on Human Resources convenes this morning to discuss successful programs and approaches to serving youth more effectively in the field of juvenile justice.

The Juvenile Justice and Delinquency Prevention Act, originally enacted in 1974, is distinguished in a number of ways. It is the first Federal act to comprehensively address the complex issue of prevention and treatment of juvenile delinquency, to recognize that the care and treatment of our Nation's youth is an important Federal concern.

It enjoys strong bipartisan support and it provides assistance in a manner designed to promote deep and lasting changes in our State and local juvenile justice systems.

Last year this subcommittee received statements of strong support for the act from such organizations as the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, the National Coalition of State Juvenile Justice Advisory Groups, the Child Welfare League of America, and the National PTA.

The record clearly indicates the importance of Federal leadership and support in this field and emphasizes that much of the progress that has been made is due to the Juvenile Justice and Delinquency Prevention Act.

It is this last point that we wish to explore in greater detail this morning.

We are at a very important point in time. There is real need to discuss the successful efforts forged at the State and local levels, and to discuss all the successful efforts developed.

(1)

On the whole, the various States have made good progress. However, not all have done as well as the three States represented here this morning. And it is precisely for that reason that this hearing is being held.

[Vote call.]

Mr. KILDEE. Approving the journal is like taking attendance in a class, and being a former teacher, I will go and respond to that attendance as soon as I finish my opening statement here.

So, there is a great need for information on what does work and sharing of information can be very, very helpful.

In closing my opening comment, I would like to mention that the testimony presented this morning will show that successful services to youth are, at minimum, a product of commitment, resources and broad support, and that success has no political affiliation. It is in that spirit that we continue to address the important subject of juvenile justice.

I am sure when we come back Mr. Tauke, who has been very supportive of this program, too, will have some comments.

You can relax. We will be back in about 7 minutes.

[Recess.]

Mr. KILDEE. The subcommittee will reconvene.

Our witnesses this morning are Mr. Ira Schwartz, senior fellow, Center for the Study of Youth Policy, the Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, and the former Administrator of the Office of Juvenile Justice and Delinquency Prevention; Mr. Edward J. Loughran, commissioner, Department of Youth Services, Commonwealth of Massachusetts; Ms. Patricia A. Cuza, director, Office of Criminal Justice, from my great State of Michigan; and C. Ronald Stromberg, director of the Division of Youth Corrections, State of Utah; and a longtime friend of mine and a great advisory on this issue, Hon. Luke Quinn, judge of probate and chairman of the subcommittee on juvenile justice, National Association of Counties, Flint, MI.

Would all the witnesses please come forward and sit as one panel?

Your entire statements will appear in the printed record and you may summarize as you wish.

Mr. Schwartz, you may start.

STATEMENT OF IRA SCHWARTZ, SENIOR FELLOW, CENTER FOR THE STUDY OF YOUTH POLICY, HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MN

Mr. SCHWARTZ. Mr. Chairman and members of the subcommittee, I want to thank you for inviting me to testify this morning.

I also want to take this opportunity to commend you and the other members of the subcommittee for focusing on some of the promising developments in the field, because indeed there have been a number of success stories, and I am particularly delighted to see the States represented here today, as they do in fact stand as models for many other parts of the country.

I also would like to mention that there is growing interest, I think, on the part of policymakers in States around the country in

exploring more effective ways to invest our youth corrections and detention resources. And I think that a hearing such as this will do much to help focus attention on that issue, and I think provide this kind of information to those officials.

I think, too, Mr. Chairman, I would like to just share an example of the kind of interest that I think we are beginning to see around the country.

We at the Humphrey Institute received a grant from the Annie E. Casey Foundation to put on a series of State and regional juvenile justice policy forums. And these are forums that are largely geared toward State elected public officials, juvenile justice professionals, child advocates and representatives of public interest groups.

The purpose of the seminars is to highlight really the trends nationally in juvenile justice, but particularly to focus on those States that are recognized as models. And the States of Michigan, Massachusetts, and Utah are States that we highlight in these seminars.

We have found that public officials that have attended these seminars are quite interested in these developments and, in fact, looking at ways in which they can replicate the experiences in these States. And now we find that many States in the West and in the South, particularly, are looking at the developments in Massachusetts, Utah, and Michigan and considering how they can be duplicated and replicated in their own States, and how they in turn can get more effective benefits out of their youth corrections resources.

And I think, too, Mr. Chairman, it is important to point out that specifically in Massachusetts and Utah, at least at the State level, the Office of Juvenile Justice and its resources played a very significant role in the developments in both of those States, not only in terms of providing financial resources but also technical assistance and much needed research. And I think that this is a very appropriate role for the Federal Government to play and certainly has had a major impact.

Last, Mr. Chairman, I would like to say that while clearly there is growing interest around the country in the developments in youth corrections, and there are many promising things to look at, and I think that the States here represented at this particular session are examples of that, I also want to point out that there is a serious need to take an indepth and objective assessment of the recent history and the functioning of the Office of Juvenile Justice, as well as a careful—looking at a careful delineation of its role in the future.

During the past several years I have had an opportunity to be in many States, talk with many elected public officials, juvenile justice professionals, representatives from public interest groups, as well as others, and there are serious concerns being raised about the office and the Federal effort.

I hear, for example, allegations that discretionary funds are not being awarded on a competitive basis; that some grants may have been awarded based on politics and favoritism, and that the amount of money given out for some grants perhaps may have been far in excess of what was needed to complete the projects.

And now there are resignations amid reports of other scandals, possibly involving financial irregularities.

Also, that research findings have been misrepresented and, in some instance, tampered with.

The researchers that I have talked to, particularly, have indicated that in some cases they have been pressured to consider altering their conclusions to fit the philosophy and thinking of the current administration.

There have also been concerns expressed that the office has played a role in misleading the American people on the issue of missing and exploited children, and particularly in terms of the role that the office may have played, directly and indirectly, in providing information on the exaggerated figures in this area.

And fourth, widespread concern that the office has not been particularly aggressive in pursuing the goal of removing juveniles from adult jails. In fact, I have heard policymakers in a number of States complain that the office perhaps may no longer even be actively interested in this goal at all.

I must admit that what I see at the present time is really a mixed picture in juvenile justice.

On the one hand, we are seeing that policymakers and juvenile justice professionals in a growing number of States, particularly in the West and in the South, are beginning to seriously reexamine their youth detention and correctional policies. And policymakers and practitioners in many of these States are visiting the States represented here.

These are States where decisionmakers are taking a hard look at the experiences in Massachusetts, Utah, and others, and considering the implications for their jurisdictions, and I think this is helpful and it is constructive, and much of it based upon the developments at the Federal level.

On the other hand, the current Federal effort appears to be in disarray and frankly, in some quarters, no longer considered to be a credible resource.

In light of this, I would like to make the following recommendations for this committee:

One, I think the subcommittee should consider launching an objective and thorough inquiry into the recent history and current functioning of the office, with the ultimate objectives being to help restore the integrity and the status of the office and consider what role the Federal Government should play in this area in the future.

There certainly needs to be much more aggressive and stronger congressional oversight of both the office and the implementation of the act, as well.

As you say, Mr. Chairman, and as you pointed out in your opening statement, the Juvenile Justice and Delinquency Prevention Act is a landmark piece of domestic legislation, and the act, along with some of its amendments, have really identified a very important and really, as yet, unfinished agenda for helping States and localities improve their juvenile justice program.

Third, I think Congress should direct the office to give priority to and take immediate steps to inform policymakers, juvenile justice professionals, State advisory groups, and others about the promising developments in the field.

There is a critical need to broadly disseminate policy relevant information and research findings that can be used by elected public officials, particularly in those States that are confronted with serious fiscal problems and looking for better ways to invest their resources.

And last, I think that the subcommittee should consider holding a special hearing on the issue of the large and growing numbers of minority youth being incarcerated in State and local public detention and correctional facilities.

This is a particularly sensitive and I think critical issue, because our research, at least at the Center for the Study of Youth Policy, indicates that minorities now comprise more than half of all the juveniles incarcerated in public detention and correctional facilities in the United States.

In contrast, 65 percent of those incarcerated in private youth correctional facilities are white youth. This suggests that we may be headed toward a two-tiered system of youth corrections, one where public facilities are largely occupied by minorities, and where private facilities are largely occupied by white youth.

Also, I think we need to look at this because despite the widely held perceptions to the contrary, there is recent research showing that minority youth do not account for a substantially disproportionate amount of serious juvenile crime. However, minority youth stand a much greater chance of being arrested than white youth, and once arrested, appear to be at great risk of being charged with more serious offenses than whites who are involved in comparable levels of delinquency.

Again, Mr. Chairman and members of the subcommittee, I want to thank you for inviting me to testify. I wish you well in your deliberations, and I would certainly be happy to answer any questions that you might have.

[Prepared statement of Ira M. Schwartz follows:]

PREPARED STATEMENT OF IRA M. SCHWARTZ, SENIOR FELLOW AND DIRECTOR, CENTER FOR THE STUDY OF YOUTH POLICY, HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS, UNIVERSITY OF MINNESOTA

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE ON HUMAN RESOURCES, I WANT TO THANK YOU FOR INVITING ME TO TESTIFY THIS MORNING. MY NAME IS IRA M. SCHWARTZ. I AM A SENIOR FELLOW AND DIRECTOR OF THE CENTER FOR THE STUDY OF YOUTH POLICY AT THE HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS OF THE UNIVERSITY OF MINNESOTA. FROM NOVEMBER 1979 THROUGH MARCH 1981 I SERVED AS ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION IN THE UNITED STATES DEPARTMENT OF JUSTICE.

MR. CHAIRMAN, I WANT TO TAKE THIS OPPORTUNITY TO COMMEND YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE FOR HOLDING THIS HEARING. AS I AM SURE YOU KNOW, STATE AND LOCAL POLICYMAKERS AND JUVENILE JUSTICE PROFESSIONALS ARE VERY INTERESTED IN LEARNING ABOUT MORE EFFICIENT AND EFFECTIVE WAYS TO INVEST TAX DOLLARS TO PREVENT AND CONTROL JUVENILE CRIME. THIS IS PARTICULARLY THE CASE AS POLICYMAKERS ARE CONFRONTED WITH INCREASING DEMANDS FOR SERVICES IN THE FACE OF DIMINISHING RESOURCES. I THINK THIS HEARING WILL DO MUCH TOWARD FOCUSING ATTENTION ON THOSE JURISDICTIONS RECOGNIZED FOR THEIR ENLIGHTENED AND COST-EFFECTIVE APPROACHES AS WELL AS INITIATING A PROCESS DESIGNED TO EXPLORE THE ROLE OF THE FEDERAL GOVERNMENT IN JUVENILE JUSTICE.

THE BEST EXAMPLE I CAN SHARE THAT INDICATES THE INTEREST EXPRESSED BY STATE AND LOCAL OFFICIALS IN RE-EXAMINING THEIR YOUTH DETENTION AND CORRECTIONAL POLICIES AND EXPLORING INNOVATIVE APPROACHES, STEMS FROM OUR EXPERIENCES AT THE CENTER FOR THE STUDY OF YOUTH POLICY. ABOUT A YEAR AND A HALF AGO, THE CENTER RECEIVED A GENEROUS GRANT FROM THE ANNIE E. CASEY FOUNDATION. THE PURPOSE OF THE GRANT IS FOR THE CONVENING OF REGIONAL AND STATE JUVENILE JUSTICE POLICY SEMINARS WITH ELECTED PUBLIC OFFICIALS, JUVENILE JUSTICE PROFESSIONALS, AND CHILD ADVOCATES. THE SEMINARS, WHICH ARE CO-SPONSORED BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES, THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY AND THE CHILD WELFARE LEAGUE OF AMERICA, ARE DESIGNED TO ACQUAINT THE PARTICIPANTS WITH NATIONAL AND STATE TRENDS IN JUVENILE CRIME, DETENTION AND CORRECTIONS AND TO HIGHLIGHT THE POLICIES AND PRACTICES IN STATES RECOGNIZED FOR HAVING MODEL APPROACHES TO THE JUVENILE CRIME PROBLEM.

THUS FAR, WE HAVE HELD REGIONAL SEMINARS IN UTAH AND FLORIDA. THE UTAH SEMINAR HAD REPRESENTATION FROM NINE INTER-MOUNTAIN AND

PACIFIC NORTHWEST AREA STATES. PARTICIPANTS IN THE FLORIDA SEMINAR CAME FROM FLORIDA, SOUTH CAROLINA AND LOUISIANA. IN ADDITION, WE HAVE HELD STATE MEETINGS IN NORTH DAKOTA, LOUISIANA, OREGON AND COLORADO. IN EACH INSTANCE, WE HAVE BEEN ABLE TO ATTRACT TO THE SEMINARS KEY REPRESENTATIVES FROM THE LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT. WE HAVE FOUND THEM TO BE THIRSTY FOR INFORMATION. THEY ARE INTERESTED IN HEARING ABOUT THE CONSTRUCTIVE DEVELOPMENTS IN OTHER STATES AS WELL AS THE IMPACT THESE DEVELOPMENTS HAVE HAD ON THE JUVENILE CRIME PROBLEM.

MASSACHUSETTS AND UTAH ARE TWO STATES RECOGNIZED AS MODELS. WE HAVE CHOSEN TO HIGHLIGHT THEM IN THE SEMINARS. THESE STATES HAVE CLOSED THEIR TRAINING SCHOOL FACILITIES AND HAVE LARGELY INVESTED THEIR YOUTH CORRECTIONS RESOURCES IN COMMUNITY-BASED PROGRAMS. IN FACT, A SUBSTANTIAL PROPORTION OF THE YOUTH CORRECTIONS BUDGETS IN THESE STATES IS ALLOCATED FOR PRIVATE VENDORS. BOTH STATES HAVE RELATIVELY FEW JUVENILES UNDER LOCK AND KEY. UTAH, FOR EXAMPLE, HAS ONLY TWO 30-BED SECURE TREATMENT UNITS FOR VIOLENT AND DANGEROUS JUVENILES AND FOR YOUTH WHO PERSIST IN COMMITTING FELONIES.

THE TRACK RECORD IN THESE STATES IS IMPRESSIVE. IN MASSACHUSETTS, WHERE THE TRAINING SCHOOLS HAVE BEEN CLOSED SINCE 1972, THE SERIOUS JUVENILE CRIME RATE HAS DROPPED EACH YEAR FOR THE PAST DECADE. IN UTAH, RESEARCH FINDINGS INDICATE THE JUVENILES IN THE COMMUNITY-BASED PROGRAMS HAVE RELATIVELY LOW RECIDIVISM RATES AND DO NOT POSE A SUBSTANTIAL RISK TO THE PUBLIC.

POLICYMAKERS AND JUVENILE JUSTICE PROFESSIONALS IN OREGON, COLORADO, NORTH DAKOTA, LOUISIANA, FLORIDA, WASHINGTON, NORTH CAROLINA, MONTANA AND NEVADA ARE IN THE MIDST OF EXPLORING THE IMPLICATIONS THE UTAH AND MASSACHUSETTS EXPERIENCES MIGHT HAVE FOR THEM. IT IS IMPORTANT TO KEEP IN MIND THAT THE REFORMS WERE BROUGHT ABOUT, IN PART, BECAUSE OF ASSISTANCE FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. THE OFFICE PROVIDED DISCRETIONARY FUNDS THAT WERE UTILIZED FOR THE DEVELOPMENT OF COMMUNITY-BASED PROGRAMS, PROVIDED TECHNICAL ASSISTANCE AND CONSULTATION AND SUPPORTED RESEARCH EFFORTS AIMED AT EXAMINING THE IMPACT OF THE REFORMS AND THEIR IMPLICATIONS FOR PUBLIC POLICY.

THE ASSISTANCE THE OFFICE PROVIDED TO MASSACHUSETTS AND UTAH IS, IN MY OPINION, AN IMPORTANT AND APPROPRIATE ROLE FOR THE FEDERAL GOVERNMENT TO PLAY IN JUVENILE JUSTICE. IT WOULD ALSO BE APPROPRIATE FOR THE OFFICE TO PLAY A LEADERSHIP ROLE IN INFORMING OTHERS ABOUT THE EXPERIENCES IN THESE STATES AND ENCOURAGING THAT THESE REFORMS BE REPLICATED ELSEWHERE.

HOWEVER, MR. CHAIRMAN, I WOULD BE LESS THAN CANDID WITH YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE IF I DIDN'T SAY THAT THERE IS A DESPERATE NEED FOR AN IN-DEPTH AND OBJECTIVE ASSESSMENT OF THE RECENT HISTORY AND FUNCTIONING OF THE OFFICE AS WELL AS A CAREFUL AND THOUGHTFUL DELINEATION OF ITS ROLE IN THE FUTURE. DURING THE PAST SEVERAL YEARS I HAVE BEEN IN MORE THAN FORTY STATES. I HAVE TALKED WITH MANY JUVENILE JUSTICE AND CHILD WELFARE PROFESSIONALS, STATE AND LOCAL ELECTED PUBLIC OFFICIALS, CHILD ADVOCATES, MEMBERS OF STATE JUVENILE ADVISORY COMMITTEES, REPRESENTATIVES FROM PUBLIC INTEREST GROUPS AND MEMBERS OF THE NATIONAL AND LOCAL MEDIA. MORE THAN ANYTHING ELSE, I HEAR SERIOUS CONCERNS BEING RAISED ABOUT THE OFFICE.

FOR EXAMPLE, I HEAR:

- 1) ALLEGATIONS THAT DISCRETIONARY FUNDS ARE NOT BEING AWARDED ON A COMPETITIVE BASIS. THAT SOME GRANTS HAVE BEEN AWARDED BASED ON POLITICS AND FAVORITISM. THAT THE AMOUNT OF MONEY GIVEN OUT FOR SOME GRANTS WAS FAR IN EXCESS OF WHAT WAS NEEDED TO COMPLETE THE PROJECTS. AND NOW, THERE ARE RESIGNATIONS AMID REPORTS OF LOOMING SCANDALS, POSSIBLY INVOLVING FINANCIAL IRREGULARITIES.
- 2) THAT RESEARCH FINDINGS HAVE BEEN MISREPRESENTED AND, IN SOME INSTANCES, TAMPERED WITH. THAT RESEARCHERS MAY HAVE BEEN PRESSURED TO CONSIDER ALTERING THEIR CONCLUSIONS TO FIT THE PHILOSOPHY AND THINKING OF THE CURRENT ADMINISTRATION.
- 3) CONCERN THAT THE OFFICE HAS PLAYED A ROLE IN MISLEADING THE AMERICAN PEOPLE ON THE ISSUE OF MISSING AND EXPLOITED CHILDREN. THERE ARE MANY WHO FEEL THAT THE OFFICE CONTRIBUTED TO THE DISSEMINATION OF GROSSLY EXAGGERATED NUMBERS ABOUT MISSING AND EXPLOITED CHILDREN. WHILE THE ISSUE IS A SERIOUS ONE, PARTICULARLY FOR THE CHILDREN AND FAMILIES DIRECTLY AFFECTED BY IT, THERE ARE

MANY WHO FEEL THAT THE ROLE THE OFFICE HAS PLAYED IN THIS ISSUE HAS BEEN PARTICULARLY DAMAGING AND HAS SEVERLY HURT ITS CREDIBILITY.

4) WIDESPREAD CONCERN THAT THE OFFICE HAS NOT BEEN PARTICULARLY AGGRESSIVE IN PURSUING THE GOAL OF REMOVING JUVENILES FROM ADULT JAILS. IN FACT, THERE ARE SOME WHO MAINTAIN THAT THE OFFICE MAY NO LONGER BE COMMITTED TO THIS GOAL AT ALL.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I MUST ADMIT THAT I FIND THE CURRENT JUVENILE JUSTICE PICTURE TO BE A SOMEWHAT MIXED ONE. ON THE ONE HAND, WE ARE SEEING THAT POLICYMAKERS AND JUVENILE JUSTICE PROFESSIONALS IN A GROWING NUMBER OF STATES ARE BEGINNING TO SERIOUSLY RE-EXAMINE THEIR YOUTH DETENTION AND CORRECTIONAL POLICIES. THESE ARE STATES WHERE POLICYMAKERS ARE TAKING A LONG HARD LOOK AT THE EXPERIENCES OF SUCH STATES AS MASSACHUSETTS AND UTAH AND CONSIDERING THE IMPLICATIONS FOR THEIR OWN JURISDICTIONS. ON THE OTHER HAND, THE FEDERAL EFFORT APPEARS TO BE IN DISSARRAY AND, IN SOME QUARTERS, NO LONGER CONSIDERED TO BE A CREDIBLE RESOURCE. I AM TROUBLED OVER THIS BECAUSE I ONCE HEADED THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND HAVE AN APPRECIATION FOR THE POTENTIAL THAT OFFICE HAS.

IN LIGHT OF THIS, I WOULD LIKE TO MAKE THE FOLLOWING RECOMMENDATIONS:

1) THE U.S. HOUSE SUBCOMMITTEE ON HUMAN RESOURCES SHOULD CONSIDER LAUNCHING AN OBJECTIVE AND THOROUGH INQUIRY INTO THE RECENT HISTORY AND CURRENT FUNCTIONING OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. THE ULTIMATE OBJECTIVES OF SUCH AN INQUIRY SHOULD BE TO HELP RESTORE THE INTEGRITY AND STATUS OF THE OFFICE AND TO CONSIDER WHAT THE ROLE OF THE FEDERAL GOVERNMENT SHOULD BE IN JUVENILE JUSTICE.

2) THERE NEEDS TO BE MUCH STRONGER CONGRESSIONAL OVERSIGHT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AS WELL AS THE STEWARDSHIP OF THE OFFICE. THE JUVENILE JUSTICE AND DELINQUENCY ACT OF 1974 IS A LANDMARK PIECE OF LEGISLATION. THE ACT, ALONG WITH SOME OF THE AMENDMENTS THAT HAVE BEEN ADDED OVER THE YEARS, REPRESENTS AN IMPORTANT AND, AS YET, UNFINISHED AGENDA FOR HELPING TO UPGRADE OUR STATE AND LOCAL SYSTEMS OF JUVENILE JUSTICE.

3) CONGRESS SHOULD DIRECT THE OFFICE TO GIVE PRIORITY TO AND TAKE IMMEDIATE STEPS TO INFORM POLICYMAKERS, JUVENILE JUSTICE

PROFESSIONALS, STATE JUVENILE JUSTICE ADVISORY GROUPS, CHILD ADVOCATES AND PUBLIC INTEREST GROUPS ABOUT PROMISING DEVELOPMENTS IN THE FIELD. THERE IS A CRITICAL NEED TO BROADLY DISSEMINATE POLICY RELEVANT INFORMATION AND RESEARCH FINDINGS THAT CAN BE USED BY ELECTED OFFICIALS AND JUVENILE JUSTICE PROFESSIONALS INTERESTED IN MORE EFFECTIVE WAYS OF INVESTING THEIR JUVENILE JUSTICE RESOURCES.

4) THE SUBCOMMITTEE ON HUMAN RESOURCES SHOULD CONSIDER HOLDING A SPECIAL HEARING ON THE ISSUE OF THE LARGE AND GROWING NUMBERS OF MINORITY YOUTH BEING INCARCERATED IN STATE AND LOCAL PUBLIC JUVENILE DETENTION AND CORRECTIONAL FACILITIES. THIS IS A PARTICULARLY SENSITIVE AND CRITICAL ISSUE BECAUSE OUR RESEARCH AT THE CENTER FOR THE STUDY OF YOUTH POLICY INDICATES THAT:

A) MINORITIES NOW COMPRISE MORE THAN 50 PERCENT OF ALL JUVENILES INCARCERATED IN PUBLIC JUVENILE DETENTION AND CORRECTIONAL FACILITIES. IN CONTRAST, 65 PERCENT OF THOSE JUVENILES INCARCERATED IN PRIVATE YOUTH CORRECTIONAL FACILITIES ARE WHITE. THIS SUGGESTS THAT WE MAY BE HEADED TOWARD A "TWO TIERED" SYSTEM OF YOUTH CORRECTIONS IN THIS COUNTRY. IT WILL BE A SYSTEM WHERE MINORITIES ARE RELEGATED TO PUBLIC FACILITIES AND WHITES TO THE PRIVATE INSTITUTIONS.

B) DESPITE WIDELY HELD PERCEPTIONS TO THE CONTRARY, THERE IS EVIDENCE THAT MINORITY YOUTH DO NOT ACCOUNT FOR A SUBSTANTIALLY DISPROPORTIONATE AMOUNT OF SERIOUS JUVENILE CRIME. HOWEVER, MINORITY YOUTH STAND A MUCH GREATER CHANCE OF BEING ARRESTED THAN WHITE YOUTH AND, ONCE ARRESTED, "APPEAR TO BE AT GREATER RISK OF BEING CHARGED WITH MORE SERIOUS OFFENSES THAN WHITES INVOLVED IN COMPARABLE LEVELS OF DELINQUENT BEHAVIOR."*

AGAIN, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I WANT TO THANK YOU FOR INVITING ME TO TESTIFY. I WISH YOU WELL IN YOUR DELIBERATION.

*THE INCARCERATION OF MINORITY YOUTH BY BARRY KRISBERG,
IRA M. SCHWARTZ, GIDEON FISHMAN, ZVI EISIKOVITS, EDNA GUTTMAN

Mr. KILDEE. Thank you, Mr. Schwartz. Your reputation is well established in this field, and we feel very privileged to have you testifying before us this morning.

We will continue with the panel, and then we will address questions to you collectively and individually.

Mr. Loughran.

STATEMENT OF EDWARD J. LOUGHRAN, COMMISSIONER, DEPARTMENT OF YOUTH SERVICES, COMMONWEALTH OF MASSACHUSETTS, BOSTON, MA

Mr. LOUGHRAN. Thank you, Mr. Chairman and members of the committee.

What began as an experiment 16 years ago in Massachusetts has matured into a unique system for administering juvenile justice. We have not relied on large institutions in Massachusetts for handling and processing juvenile offenders for over 14 years now.

In their place, we have developed an array of services that balance public safety with the rehabilitative need of youth committed to the department.

There are two very positive aspects of the reforms that took place in the commonwealth over the last 15 years.

First of all, the whole concept of regionalization, we believe very firmly that the person who is closest to the youth in the community is the one who knows most about the youth and should make the placement decisions, and regionalization of our services in Massachusetts has brought that about.

Second, Massachusetts was a pioneer in introducing the private not-for-profit sector into the world of juvenile justice, and today nearly 60 percent of our \$45 million budget purchases programs for juvenile offenders from 45 different private agencies.

Two of the things that purchasing services has brought to the department is flexibility and also diversity.

There are 70 separate programs that Massachusetts draws upon for our juveniles right now, and I think that this repudiates the concept that developed over the last couple of years that nothing works. Some things do work for some juveniles, under certain conditions. And the question really is, and I think we have answered it in many cases, is that what works for whom and under what conditions.

The fact that the department has relied very much on the private sector in the last 15 years has changed the role of the juvenile administrator, and now I think it resembles that of an investment banker who draws upon a diverse portfolio of investment options in attempting to maximize his return. While the banker is concerned with increasing his client's monetary assets, in a similar fashion we at DYS are responsible for developing programs which increase the Massachusetts taxpayers' return in terms of increased safety from the potentially harmful actions of juvenile delinquents.

What are we talking about in terms of numbers in Massachusetts?

Massachusetts is a State of about 5.6 million people. The youth population of 10 to 16 years old of 554,000 has declined by 23 percent over the last 8 years.

Interestingly, juvenile arraignments have declined by 30 percent, a much greater rate of decline of arraignments in our State over that same period.

We at DYS serve 2,000 youths on any given day, 300 in pretrial detention and 1,700 committed by the courts; 1,000 of these 2,000 youths are either at home with casework services or in nonresidential services, such as outreach and tracking, which is a very intensive casework management program, counseling programs, special schools, and employment and training programs; 700 of the youths are in some residential program, group homes, foster care, the forestry program.

A very small percentage of the entire 1,700 committed youths, less than 10 percent, are in small, secure facilities which the department has found to be essential in making the system work. But we rely on it, as I said, for only 10 percent of our population, in the 12- or 15-bed units that are very intensively structured and very well staffed, almost on a 1-to-1 ratio when you look at the entire staffing pattern.

The question that I am asking, how does it work, does the system work? Well, the litmus test for me has been the judiciary pattern, and I must say that the department has enjoyed the recognizance of the judiciary in Massachusetts over the last several years. And one of the expressions of that is that we have a transfer statute in Massachusetts whereby youngsters between the ages of 14 and 17 can be transferred into the adult system.

In 1973, when there was a certain amount of chaos that resulted from the precipitous closing of the training schools, 129 youths were transferred into the adult system.

In 1985, only 12 youths were transferred into the adult system for processing.

This indicates that the more serious juvenile offenders are being retained in the juvenile court system and in the juvenile justice system.

We have a very low recidivism rate for the juveniles who pass through the department of youth services.

In 1972, 35 percent of the new inmates in the State's adult department of corrections were former DYS clients. In 1985, that figure dropped to 15 percent.

Sometimes when States deinstitutionalize, they are characterized by sending a lot of youths out of State. Right now, of the 2,000 youths, only 36 are in out-of-State placements through the interstate compact, and the majority of them are youths who have completed our program and are now living with relatives in other States.

The mission of our agency is to produce law-abiding and productive citizens, and I think the context that we have tried to do it in in the last couple of years is summed up by Alfred North Whitehead.

He observed that "The art of progress is to preserve order amid change and to preserve change amid order."

We in the Massachusetts Department of Youth Services believe that we have achieved great progress during the past 14 years, and we are committed to sustaining and, indeed, improving upon this fine record of achievement in the months and years ahead.

Thank you very much, Mr. Chairman.

[Prepared statement of Edward J. Loughran follows:]

PREPARED STATEMENT OF COMMISSIONER EDWARD J. LOUGHRAN, MASSACHUSETTS
DEPARTMENT OF YOUTH SERVICES

It is my pleasure to have been invited to appear before you today, representing Governor Dukakis, to discuss a series of far reaching reforms in the area of juvenile justice commonly known as "the Massachusetts experience."

Over the course of the past fourteen years, the Massachusetts Department of Youth Services has successfully managed the shift from an institutionally-based system of large, custody-oriented training schools to a predominantly community-based model in which 90% of its young clients are served in a variety of small, non-secure programs, specifically designed to address the complex needs of this troubled population. And, while we are far from claiming to have found a "cure" to the various social ills which combine to lead youths to adopt delinquent lifestyles, we can boast of having developed a system which effectively addresses the rehabilitative needs of our client population, on the one hand, and protects the safety and well-being of our law-abiding citizens, on the other. In fact, we are confident in suggesting that, were one faced with the task of devising an entirely new response to the problems of juvenile delinquency and given sufficient resources to do so, the resulting system would greatly resemble our own. What, then, is our secret?

In early 1972, after more than two years of attempting to reform the state's juvenile training schools, then DYS Commissioner Jerome Miller abruptly dismantled these institutions, thus closing a 126 year chapter in Massachusetts history within eight months' time.

The lack of a more gradual transition was to have significant repercussions, both positive and negative, for the Department during the decade that followed deinstitutionalization. On the negative side, organizational chaos, the erosion of the Department's relations with the other segments of the criminal justice community, and the resulting impairment both of programmatic effectiveness and public credibility created a climate of tremendous instability.

On the more positive side, however, was Miller's enthusiastic and all-encompassing introduction of the private sector to the world of juvenile justice in Massachusetts. Indeed, the virtual programmatic vacuum that emerged in the early seventies in the wake of deinstitutionalization served as a forceful catalyst of the development of new service types on the part of a new breed of energetic human service entrepreneurs.

Today, some fourteen years after the last of the institutions was closed, a full half of the Department's \$45 million annual budget is funneled to some forty-five private, non-profit agencies who are involved in providing services to our clients. Appropriated through a so called "Purchase of Service" account, these funds enable the Department to respond quickly to the everchanging needs of our client population by giving us the flexibility to draw upon the diverse resources of numerous private agencies in attempting to address these needs. In this regard, the role of the juvenile justice administrator greatly resembles that of an investment banker who draws upon a diverse portfolio of investment options in attempting to maximize his return. While the banker is concerned with increasing his clients' monetary assets, in a similar fashion we at DYS are responsible for developing programs which increase the Massachusetts taxpayer's "return" in terms of increased safety from the potentially harmful actions of juvenile delinquents.

At this point, I would like to briefly describe DYS as it exists today. Presently, the Department serves some 2000 clients on any

given day; with 1700 committed to our custody by the courts after having been adjudicated delinquent, and the remaining 300 youths detained by the Department pending further legal action.

As I noted previously, and contrary to what would appear to be a popular misconception, the vast majority of the youths within our system are served in non-secure settings. In fact, a full two thirds of our committed population (or some 1000 youths) currently reside at home, either under caseworker supervision or enrolled in a variety of non-residential programs, which might include any combination of educational, vocational, counselling, or employment-related services.

A major reason for the successful utilization of home placement options for juvenile offenders has been the development of "Outreach and Tracking" and "Tracking Plus" programs, under which youths residing in the community are closely monitored by outreach workers whose caseloads do not exceed ten clients, and who, as a result, are able to provide the youths under their supervision with highly individualized care. An additional benefit of the intensified "Tracking Plus" model involves the maintenance of a small, highly structured residential component in which a youth who fails to adequately adjust to the responsibilities of life in the community may be placed for a brief period of stabilization prior to his being given an opportunity to return home. Hence, mechanisms such as "Outreach and Tracking" and "Tracking Plus" have enabled the Department to operate safely and effectively with a full two thirds of our committed population residing at home.

For those youths for whom home placement is not an option but who do not require a significant amount of structure, the Department maintains a small number of foster homes. While these settings would not be appropriate for a great majority of our clients, we have discovered them to be a valuable resource for slightly more than 5% of our population.

The remaining 30% of our committed population is currently placed in some type of residential setting, ranging from group homes to secure treatment facilities, to our "Homeward Bound" program, a highly successful effort modeled after the "Outward Bound" concept. Based in the Cape Cod community of Brewster, "the Forestry Camp" (as it has come to be known) offers a wide range of outdoor activities (including camping, sailing, swimming, and agility and endurance tests) to youths at a variety of sites throughout the state. For many of these youngsters, a stay in the Forestry program represents their first exposure to life outside of the inner city. In operation since the early 1960's, this program (which has a capacity for forty-three youths) was highlighted in a 1985 Rand Corporation study entitled "One More Chance: The Pursuit of Promising Intervention Strategies for Chronic Juvenile Offenders" authored by Peter W. Greenwood and Franklin E. Zimring.

In terms of group homes, or unlocked structured residential settings, the Department currently maintains over a hundred youths in ten DYS contracted programs and another two hundred youths in non-contracted programs whose residences originate not only from OYS, but from a variety of the state's human service agencies. Located in residential community settings, these programs have proven highly effective in addressing the needs of juveniles who, though in need of a high level of supervision, present little or no security risk to themselves or others. Current plans call for a significant increase in the Department's Group Care capacity during the coming fiscal year, with new programs for girls, for Hispanic youngsters, and for newly-committed youths to be operational by the fall.

Finally, I would like to touch briefly upon a small, yet demanding segment of our population, those youths whose histories of violent behavior and/or severe emotional disturbance dictate that they be placed in secure treatment facilities. At present, the Department maintains a total of 171 youths (representing only 10% of our committed population) in twelve distinct secure treatment programs.

The task of rehabilitating these youths poses the most significant challenge to those of us involved in administering a juvenile justice system. In this regard, I would like to briefly highlight three aspects of the Department's approach to dealing with serious juvenile offenders which I feel should be replicated by other states in their efforts to effectively treat this population.

In 1981, after much internal discussion, the Department established a detailed classification system which, with minor modification, has governed the entrance of youths into our secure treatment programs for the past five years. Under this system, a three-member panel (consisting of a permanent chairman and two rotating members) determines whether or not a youth is suitable for placement in the secure treatment system, and, if so, the duration of the youth's placement, as well as the facility in which he or she will reside. The panel bases its decisions upon a thorough review of the youth's case history (including, among other items, psychiatric and psychological evaluations, court records, an educational summary, a family background report, a medical history, and an evaluation prepared by the youth's caseworker), as well as upon an assessment of the views expressed by involved parties at the actual secure treatment hearing. Most importantly, the Panel is guided by a detailed classification grid in which youths' offenses are ranked according to their severity and assigned a corresponding range of proposed terms in a secure treatment setting. Age is also a contributing factor, as youths below the age of thirteen are generally excluded from secure treatment consideration.

The development of the Classification Grid based on the severity of a youth's offenses has served as a catalyst of equitable and consistent decisionmaking, of judicial confidence in the Department's ability to make its own placement decisions (the very essence of the Youth Authority concept), and it has greatly aided Departmental planners in attempting to gauge our future resource needs.

A second area in which the Department has made great strides in the treatment of the serious juvenile offender involves our response to the problems of emotionally disturbed youngsters within our system. In 1984, acting upon a recommendation of Governor Dukakis' Statewide Anti-Crime Council, the Department opened the Butler Center, a fifteen-bed secure treatment program for youths who exhibit significant emotional disturbance, many of whose delinquent records include crimes of violence and/or sexual deviancy. Given that a program such as the Butler Center (featuring an intensive clinical component and individualized and family therapy sessions designed to motivate a youth to openly confront his problems) can only be truly effective if followed by a gradual, highly structured, return to the community, we are now working in conjunction with the state's Department of Mental Health to develop appropriate transitional programs for these youths.

A third and final area in which the Department has enjoyed great success in addressing the needs of serious offenders involves our implementation of the Violent Offender Project, a systematic treatment approach consisting of a secure treatment phase, followed by a non-secure residential phase, followed by a youth's receiving intensive casework supervision upon his return to the community. Originally funded by a three-year grant from the Office of Juvenile Justice and Delinquency Prevention, this innovative concept has been shown to significantly curtail the delinquent activities of those youths who have completed the program. For example, when compared to a control group consisting of youths who were placed in secure treatment but who were not included in this effort:

- All of the project participants went to a community residential program upon release from secure treatment. Only 42% of the control group was placed in such a program before returning home.
- Seventy-nine percent of project participants were able to find unsubsidized employment, as compared to 29% of the control group.

- Seventy-five percent of project youths continued in an educational program after being released from the secure setting, compared to 46% of the control group.
- Finally, a preliminary review of comparative recidivism rates undertaken in 1985 indicated that only one third of the project participants had been rearrested for subsequent delinquent activity.

I am pleased to note here that, while federal funding of this effort concluded in early 1985, the Department has been able to partially replicate this program using state monies. At present, the program involves five full-time staff members and thirty three clients originating from the Boston area.

Having described the nature of the Massachusetts Department of Youth Services, I would like to conclude by pointing out several developments which would appear to support the viability of our system, on the one hand, and the need to target available federal resources for the development and implementation of similar programs throughout the nation, on the other.

In 1973, a total of 129 youths were bound over for trial as adults in Massachusetts. By 1985, this number had been reduced to 12. Given that there has been no decrease and, in fact, a marked increase in the proportion of serious offenders entering the DYS system in recent years, the fact that these serious offenders are being ordered kept in our system provides telling evidence of the high level of confidence that the state judiciary has placed in DYS.

Similarly, whereas previously large numbers of youths were commonly placed out-of-state in order that they might receive appropriate services, of the approximately 2000 youths currently in our care, only thirty six now reside in such placements.

A third telling index of our success lies in the fact that, while in 1972 a total of 35% of the individuals newly committed to the state's Department of Correction had previous DYS experience, this figure had dropped to 15% for 1985.

In closing, I would like to reiterate that, while we have found no magic solution to the unfortunate reality of juvenile delinquency in Massachusetts, we have developed what I believe to be a thoughtful, comprehensive, highly effective response to many of the problems associated with this phenomenon. Alfred North Whitehead once observed that "The art of progress is to preserve order amid change and to preserve change amid order." We in the Massachusetts Department of Youth Services believe that we have achieved great progress during the past fourteen years and are committed to sustaining and, indeed, improving upon our fine record of achievement in the months and years ahead.

Thank you.

Mr. KILDEE. Thank you very much for your testimony.
Our next witness is my friend from Michigan, Patricia Cuza.

**STATEMENT OF PATRICIA A. CUZA, DIRECTOR, OFFICE OF
CRIMINAL JUSTICE, STATE OF MICHIGAN, LANSING, MI**

Ms. CUZA. Thank you, Mr. Chairman.

I am Patricia Cuza, the director of the Office of Criminal Justice, and my office administers the Juvenile Justice and Delinquency Prevention Act Program in our State, and I am pleased and honored that your subcommittee would like to hear from States like Michigan, so that we can share our perspective on juvenile justice. And I hope to leave you with two clear messages today.

One is that JJDPa has been very valuable and successful in Michigan, and second, that juvenile problems remain and that the role of the JJDPa is not over.

I must commend Congress for enacting the act originally in 1974. This legislation was the right initiative at the right time.

The stated goal was right on target, to prevent and reduce delinquency and to develop programs outside courts and institutions for appropriate youth.

And the two priorities set by the regulations were very much needed and very timely, deinstitutionalization of status offenders, and the jail removal initiative.

I also want to say that I think the establishment of the State advisory groups and the annual State plan was the right process for us to be able to implement that act.

First, let me review the success we have had in Michigan.

In 1975 we created a 33-member advisory committee on juvenile justice, and this was succeeded in 1984 by a 21-member committee. They guided my office in selecting the programs for funding in Michigan.

Using \$21,959,000 of Federal JJDPa grants funds, we were a national leader in achieving your objectives, and in Michigan we are very proud of that decade of solid achievement.

When we started a decade ago, there were 1,611 status offenders securely detained in jails and youth detention facilities for more than 24 hours. By June 1985, only 72 status offenders were being similarly detained.

In June 1981, there were 63 juveniles being held for more than 6 hours in adult jails. By June 1985, there were only 13 youths being so detained.

Our State department of social services includes an office of children and youth services. In using grants from us, this office has implemented a regional detention program which has achieved national attention.

It provides for secure and nonsecure holdovers of youths separate from contact with adult offenders. It provides home detention workers to assist parents and transportation of youths from places lacking alternatives to those which have detention facilities.

My office has worked with the department of corrections to upgrade the monitoring, inspection, and reporting on the 19 detention facilities, 78 jails and over 100 lockups in our State.

And I want to point out that none of this would be initiated had we not had the JJDDPA Act.

We also have made grants to a variety of projects dedicated to developing alternatives to adjudication or incarceration for the less serious offenders. And I want to mention one of these programs, in particular, because I think it has application throughout the country.

A research study was commissioned by the Office of Children and Youth Services. It was designed to test the effectiveness and efficiency of juvenile diversion service programs in contrast with court processing and the warn-and-release-to-parents alternatives.

Four sites were selected and three diversion service models were tested.

The youth characteristics were similar in all cases.

And the results showed that court processing was no more effective than outright release or diversion programs.

However, among the three diversion models tested, family support and education significantly reduced further delinquency more than court processing or outright release.

This was not the case with the youth skills model or the community service and restitution model.

We believe that this finding will be of interest to those throughout the country who are interested in operating the type of diversion service programs more likely to succeed.

The reason I bring this to your attention is that it was JJDDPA funds that funded this study, it was a \$1.5 million study, but what that did for us is that it told us the programs that didn't work, that didn't make any difference, as well as the one program that did work. And unless we have this act, we are not going to be able to try those things out, because a lot of things sound good, we all mean well, But unless we have studies that have good evaluation in them, so that we can determine what really does work, we can continue to perpetuate all kinds of programs that we think work but that we are really not sure.

And I must note here that our committee on juvenile justice has been actively involved in the implementation of the JJDDPA Act. They have undertaken on-site visits, briefings, panels, regional conferences, surveys and correspondence to guide them in their priority setting, and that is something else that I think you have to keep in mind when you talk about the act.

It is wonderful to have professionals telling you all of these things, But we really do need the citizen input, and it is that citizen input that really has the opportunity to change grassroots attitudes in terms of how we treat juveniles.

There are several points, I believe, that you should know about Michigan's decade of solid achievement.

First, Michigan may have been a bit ahead of some States in meeting the ambitious goals set in 1974. Other States may have quite a ways to go. They will not continue to progress without your Federal assistance.

Thus, I flatly reject the argument that the JJDDPA has met its objectives and should be terminated. The original objectives have had uneven success and there are additional related goals which challenge us all, and certainly in Michigan.

Second, the progress we have made transcends the number of grants or the amount of awards. We are talking about a relatively small program, but it has had immense leverage.

The dedicated professionals in juvenile justice, the volunteers and the activist groups have devoted untold energy and resources beyond the available grant funds. They have changed attitudes, processes, even laws, through their influence and example.

If Michigan is a fair example, you in Congress got more than your money's worth out of JJDP.

If more people knew more stories like the ones that we told in our booklet that we have published detailing Michigan's decade of progress, we would not be debating the possible termination of this minute, but mighty part of the Federal budget.

Third, we must be honest about the lasting quality of the reforms that we have sponsored.

Some advocates of JJDP will say that every gain we have made since 1974 will be lost if the program ends. In Michigan, much of our progress has been routine. It cannot be undone.

The initiatives made sense and the nonbelievers have been convinced, or at least I think we have convinced most of them. But what could happen would also be tragic.

Momentum could be lost, some gradual slippage could occur. Without the spotlight of your regulations and our monitoring, compliance could be eroded.

I believe we need the JJDP to complete the attainment of the original priorities. But equally important juvenile justice issues await our attention and our resources.

Our committee on juvenile justice has declared its intent to concentrate on early intervention with behavior problem youth and to reduce the problems which lead to delinquency. They would like to limit the youth referred to court, improve police diversion programs, and improve juvenile court intake and detention programs.

They would also like to see an increased juvenile court role in treatment, enhanced community treatment to improve behavior, and more planning, research, evaluation, and coordination.

In the face of such ambitious intentions, the committee realized it had to focus more sharply on its priorities for using the available 1986 JJDP funding, because we only receive \$1.5 million and that is not a lot of money.

Therefore, we will devote these resources to continued attention to the jail removal initiative, diversion of high-risk youth to neighborhood and community crime prevention and service programs, and development of treatment and aftercare services for violent youth.

Even beyond these ambitious intentions of the committee, I see other unmet needs confronting the juvenile justice universe. We are all concerned about the serious and repeat violent juvenile offender.

We are pleased that the Federal regulations have come to include this concern. Within that program area, there are two significant populations which I believe must be addressed if you are going to look at changes in the JJDP act.

One group is the youthful sex offender. We have all been told repeatedly about the passing of the baby boom bulge through the de-

mographic patterns and how that has affected the juvenile arrest rates. And it is true.

In Michigan, arrests of juveniles for all offenses decreased 55 percent between 1975 and 1984. But the arrests of juveniles for criminal sexual conduct increased by 165 percent in that period.

Juveniles now account for 12 percent of the State's rape arrests, compared with 9.6 percent 10 years ago.

We are going to have to find effective deterrents and treatments, and soon, in the face of such a trend. This is one kind of sexual revolution that I think our society cannot tolerate.

Another very troublesome population is the mentally ill juvenile offender. Many of the youthful, as well as the adult contacts with the police involve persons with mental disorders. We are learning that street people and those in detention often exhibit symptoms of mental disorders.

The juvenile justice system needs to reexamine the way it screens, diagnoses, and treats those whose underlying problems may be mental.

We also need careful reevaluation of the whole process of incarceration of marginally delinquent youth.

I believe that the foregoing comments make a case for the continuation of JJDPa funding and eventual reauthorization.

Yet I am aware that even the most successful programs are vulnerable under the era of Gramm-Rudman.

What puzzles us, far from Washington, is that focus is placed on eliminating effective little domestic grants programs, while tiny percentage cuts are discussed for other giant programs. Perhaps our fault is that we expect logic to prevail. And if that is my failing, so be it. Let me try a little logic.

As I have mentioned before, JJDPa was a case of the right program at the right time. Congress can justifiably take credit for its program for the 1970's.

Today the needs are as great and the opportunity as inviting, and the Congress should be able to respond appropriately for the 1980's and the 1990's.

First of all, it is hard to argue with the fact that juvenile programs are still with us. Although the JJDPa achieved notable success, no one claims that it eliminated delinquency.

Though we have fewer arrested delinquents, they reflect our society's trends to more frequent and serious offenses. Violence is a more chilling threat now than ever before.

Second, although progress has been substantial on the DSO and the JRI initiatives, there are many other needs, arguably even more urgent, on the juvenile justice agenda. It is not fair to say that the JJDPa has met its goals, only that it has made good progress toward its initial priorities.

Third, many States still need help to reach their DSO and JRI goals. Without Federal assistance, their progress may be stalled. With State and local funds remaining very tight, and with the demise of general revenue sharing, there is little hope for future success in the absence of Federal assistance.

Fourth, there are few programs which develop so much bang for the buck. Juvenile advocates are tenacious and persistent over-achievers. And if you have ever worked with them, that is an un-

derstatement. Given new priorities and a little money, you can expect the same relentless progress as in the past.

Fifth, the no-match provisions of the JJDPa allowed ideas and groups to flourish which would otherwise have had no hope. What those groups and ideas have accomplished is often truly remarkable. Unless no-match Federal assistance is continued, there is little expectation that other pressing juvenile justice priorities will ever achieve similar success.

And sixth, there is no need to starve mice in order to feed elephants. Trim a little from JJDPa, if you must, but keep the good little guys alive.

Proportionate cuts across most program areas will surely allow you to sustain those most promising and valuable programs.

In summary, I am please to report to you that I think JJDPa was one of your better ideas. It has worked in Michigan and elsewhere, but we still need it.

The end of JJDPa assistance would snuff out the spark of hope it offers for juvenile justice reform. Please do not allow the specious argument that you can declare victory and leave the field. You and I have barely begun to reduce crime and improve justice in the juvenile area. You have helped us to identify deeper problems and we need your help to attack them.

I want to thank you for giving me this forum to let you know how important we in Michigan think that the continuation of JJDPa is for us.

[Prepared statement of Patricia A. Cuza follows:]

PREPARED STATEMENT OF PATRICIA A. CUZA, DIRECTOR, MICHIGAN OFFICE OF
CRIMINAL JUSTICE

Chairman Kildee and Members of the Subcommittee:

I am Patricia Cuza, Director of the Michigan Office of Criminal Justice. My Office administers the Juvenile Justice and Delinquency Prevention Act (JJJPA) program in our state. I am very pleased and honored that your subcommittee would like to hear from states like Michigan about our perspective on juvenile justice. I hope to leave you with two clear messages. One is that JJJPA has been very valuable and successful in Michigan. Second, that juvenile problems remain and that the role of the JJJPA is not over.

I must commend the Congress for enacting the JJJPA in 1974. This legislation was the right initiative at the right time. The stated goal was right on target - to prevent and reduce delinquency and to develop programs outside courts and institutions for appropriate youth. And the two priorities set by regulations were needed and timely - Deinstitutionalization of Status Offenders (DSO) and the Jail Removal Initiative (JRI). The establishment of the state advisory groups and annual state plans was the right process.

A DECADE OF SOLID ACHIEVEMENT

First, let me review the success we have had in Michigan. In 1975 we created a 33-member Advisory Committee on Juvenile Justice. This was succeeded in 1984 by a 21-member Committee on Juvenile Justice. They guided my Office in selecting the programs for funding in Michigan. Using \$21,959,000 of federal JJJPA grants funds, we were a national leader in achieving your objectives. In Michigan, we are proud of a decade of solid achievement.

When we started a decade ago, there were 1,611 status offenders securely detained in jails and youth detention facilities for more than 24-hours. By June of 1985, only 72 status offenders were being similarly detained.

In June of 1981, there were 63 juveniles being held for more than six hours in adult jails and lockups. By June of 1985, there were only thirteen youth being so detained.

Our State Department of Social Services includes an Office of Children and Youth Services. In using grants from us, this Office has implemented a regional detention program which has achieved national attention. It provides for secure and non-secure holdovers of youth separate from contact with adult offenders. It provides home detention workers to assist parents and transportation of youth from places lacking alternatives to those which have detention facilities.

My Office has worked with the Department of Corrections to upgrade the monitoring, inspections and reporting on the 19 detention facilities, 78 jails and about 100 lockups in our state.

We also have made grants to a variety of projects dedicated to developing alternatives to adjudication or incarceration for the less serious offenders. I want to mention one of these projects, because I believe it has application throughout the country. A research study was commissioned by the Office of Children and Youth Services. It was designed to test the effectiveness and efficiency of juvenile diversion service programs in contrast with court processing and "warn and release to parent" alternatives. Four sites were selected and three diversion service models were tested. The youth characteristics were similar in all cases. The results showed that court processing was no more effective than outright release or diversion programs.

However, among the three diversion models tested, Family Support and Education significantly reduced future delinquency more than court processing or outright release. This was not the case with the Youth Skills model or the Community Service and Restitution model. We believe that this funding will be of interest to those throughout the country who are interested in operating the types of diversion service programs most likely to succeed.

I must note here that our Committee on Juvenile Justice has been actively involved in the implementation of the JJJPA. They have undertaken on-site visits, briefings, panels, regional conferences, surveys, and correspondence to guide them in their priority setting. Because there were many new Committee members in 1984, and also to highlight our progress, we prepared an Annual Report for 1985 of the Committee. I have brought copies for the Subcommittee members today. In it, you will find information about more of the 113 individual projects which have been funded since 1974.

There are several points I believe you should know about Michigan's decade of solid achievement. First, Michigan may have been a bit ahead of some states in meeting the ambitious goals set in 1974. Others may have quite a ways to go. They will not continue to progress without your federal assistance. Thus, I flatly reject the argument that the JJJPA has met its objectives and should be terminated. The original objectives have had uneven success and there are additional related goals which challenge us all - and certainly in Michigan.

Second, the progress we have made transcends the number of grants or the amounts of the awards. We are talking about a relatively small program, but it has had immense leverage. The dedicated professionals in juvenile justice, the volunteers, and the activist groups, have devoted untold energy and resources beyond the available grant funds. They have changed attitudes, processes - even laws - through their influence and example. If Michigan is a fair example, you in Congress got more than your money's worth from the JJJPA.

If more people knew more stories like the one told in our booklet detailing Michigan's decade of progress, we would not be debating the possible termination of this minute but mighty part of the federal budget.

Third, we must be honest about the lasting quality of the reforms we have sponsored. Some advocates of JJJPA will say that every gain we have made since 1974 will be lost if the program ends. In Michigan, much of our progress has become routine, it cannot be undone. The initiatives made sense and the nonbelievers have been convinced (at least most of them). But what could happen would also be tragic; momentum could be lost; some gradual slippage could occur; without the spotlight of your regulations and our monitoring, compliance could be eroded.

BLUEPRINT FOR A BETTER FUTURE

I believe we need the JJJPA to complete the attainment of the original priorities. But equally important juvenile justice issues await our attention and our resources. Our Committee on Juvenile Justice has declared its intent to concentrate on early intervention with behavior-problem youth and to reduce the problems which lead to delinquency. They would like to limit the youth referred to court, improve police diversion programs, and improve juvenile court intake and detention programs. They would also like to see an increased juvenile court role in treatment, enhanced community treatment to improve behavior, and more planning, research, evaluation and coordination.

In the face of such ambitious intentions, the Committee realized it had to focus more sharply on its priorities for use of the available 1986 JJJPA funds of \$1,400,000. Therefore, it will devote these resources to continued attention to the jail removal initiative, diversion of high risk youth to neighborhood and community crime prevention and service programs, and development of treatment and aftercare services for violent youth.

Even beyond these ambitious intentions of the Committee, I see other unmet needs confronting the juvenile justice universe. We are all concerned about the serious and repeat violent juvenile offender. We are pleased that federal regulations have come to include this concern. Within that problem area, there are two significant populations which I believe must be addressed. One group is the youthful sex offender. We have all been told repeatedly about

the passing of the "baby boom" bulge through the demographic patterns, and how that has affected the juvenile arrest rates. It is true, in Michigan, arrests of juveniles for all offenses decreased 55% between 1975 and 1984. But the arrests of juveniles for criminal sexual conduct (Michigan's definition for rape) increased by 165% in that period. Juveniles now account for 12% of the state's rape arrests, compared with 9.6% ten years ago. We are going to have to find effective deterrents and treatments, and soon, in the face of such a trend. This is one kind of sexual revolution that our society cannot tolerate.

Another very troublesome population is the mentally ill juvenile offender. Many of the youthful as well as adult contacts with the police involve persons with mental disorders. We are learning that street people and those in detention often exhibit symptoms of mental disorders. The juvenile justice system needs to reexamine the way it screens, diagnoses and treats those whose underlying problems may be mental.

We also need careful reevaluation of the whole process of incarceration of marginally delinquent youth. For some, the act of removal from, and then return to, their normal environment, without beneficial intervention, is itself destructive. There must be continuing exploration and development of community treatment instead of placement as well as before and after placement. Intensive probation and other intervention programs in the community may be the key to saving many young lives.

THE CONTINUED NEED FOR THE JJDP A ASSISTANCE

I believe that the foregoing comments make a case for the continuation of JJDP A funding and eventual reauthorization. Yet, I am aware that even useful and successful programs are vulnerable in the era of Gramm-Rudman-Hollings. What puzzles us, far from Washington, is that focus is placed on eliminating effective little domestic grants programs while tiny percentage cuts are discussed for other giant programs. Perhaps our fault is that we expect logic to prevail. If that is my failing, so be it -- let me try a little logic.

As I have mentioned above, JJDP A was a case of the right program at the right time; the Congress can justifiably take credit for its program for the 70's. Today, the needs are as great and the opportunity as inviting, and the Congress should be able to respond appropriately for the 80's and 90's.

First of all, it is hard to argue with the fact that juvenile problems are still with us. Although the JJDP A achieved notable success, no one claims that it eliminated delinquency. Though we have fewer arrested delinquents, they reflect our society's trend to more frequent and serious offenses. Violence is a more chilling threat now than ever before.

Second, although progress has been substantial on the DSO and JRI initiatives, there are many other needs, arguably even more urgent, on the juvenile justice agenda. It is not fair to say that the JJDP A has met its goals, only that it has made good progress toward its initial priorities.

Third, many states still need help to reach their DSO and JRI goals. Without federal assistance, their progress may be stalled. With state and local funds remaining very tight, and with the demise of general revenue-sharing, there is little hope for future success in the absence of federal assistance.

Fourth, there are few programs which deliver so much bang for the buck. Juvenile advocates are tenacious and persistent over-achievers. Given new priorities, and a little money, you can expect the same relentless progress as in the past.

Fifth, the no-match provisions of the JJDP A allowed ideas and groups to flourish which would otherwise have had no hope. What those groups and ideas have accomplished is often truly remarkable. Unless no-match federal assistance is continued, there is little expectation that other pressing juvenile justice priorities will ever achieve similar success.

Sixth, there is no need to starve mice to feed elephants. Trim a little from JJDP A if you must, but keep the good little guys alive. Proportionate cuts across most program areas will surely allow you to sustain this most promising and valuable program.

SUMMARY

I am pleased to report to you that the JJDPDA was one of your better ideas, that it has worked in Michigan and elsewhere, and that we still need it. I believe our decade of solid achievement is impressive. The end of JJDPDA assistance would snuff out the spark of hope it offers for juvenile justice reform. Please do not accept the specious argument that you can declare victory and leave the field. You and I have barely begun to reduce crime and improve justice in the juvenile area. You have helped us identify deeper problems and we need your help to attack them. Can you say that juvenile delinquency is not a serious national problem? If not, then remember this - the JJDPDA, however small, is the only federal contribution to the herculean juvenile justice challenge.

Mr. KILDEE. Thank you very much, Pat, for your testimony.
Mr. Stromberg.

**STATEMENT OF C. RONALD STROMBERG, DIRECTOR, DIVISION
OF YOUTH CORRECTIONS, STATE OF UTAH, SALT LAKE CITY, UT**

Mr. STROMBERG. Thank you, Mr. Chairman.

It is a pleasure to be here representing the Governor of Utah and share with the subcommittee some very positive information concerning juvenile justice programs.

For the past few years there has been an expression of pessimism from many quarters, an attitude that nothing works with seriously delinquent youth, and that the Juvenile Justice and Delinquency Prevention Act of 1974 has not been successful in helping States address juvenile delinquency issues.

The Utah experience has been just the opposite. Dramatic, positive change has occurred since the act of 1974 was passed by Congress, and although it will take several years of evaluation to measure the outcome of the change, there is an attitude of optimism and a conviction that the needs of both youth and the public are being addressed better now than ever before by our juvenile justice system.

Utah has always been known for its strong emphasis on the family and its leadership in youth programs.

When the Juvenile Justice Act was passed, Utah began to remove status offenders from its large youth institution. A class action lawsuit against the institution a year later resulted in a reassessment of the philosophy of placing youth in a single, large correctional facility.

In 1977, Gov. Scott Matheson appointed a blue-ribbon task force to review the criminal justice system. Its recommendations included the following:

- Removing runaways and ungovernables from juvenile court jurisdiction, and placing that responsibility with the division of family services;

- Adherence to a philosophy of the least restrictive setting;

- Adoption of deinstitutionalization as a philosophical position of the youth corrections system;

- Dependence on a community-based program for youthful offenders;

- Reliance on the private sector for the establishment and operation of the community programs.

The Governor, juvenile justice leaders, and the legislature made a commitment to follow the recommendations of that task force.

Instead of placing large numbers of youth in a central training school, it was decided to make every effort to place youths in facilities and programs close to their own homes, families, and support systems.

It was also decided that only youth who were a serious threat to themselves or the community would be locked up, and then only in small, regional, secure facilities.

There was, and is, an attitude that youth can change and be molded through effective, individualized treatment programming.

In keeping with this philosophy, the institutional population was rapidly reduced from over 350 youth to less than 100.

JJDP grants for \$800,000 and for technical assistance made it possible to create statewide community-based alternative programs which served the youth who were removed from the institutions.

The State has since picked up the full cost of operating these community programs.

The Massachusetts deinstitutionalization experience was studied and assistance received from leaders and program experts in their State.

Careful planning with wide-based support led to the creation of a division of youth corrections with the specific responsibility to provide facilities and programs for the most seriously delinquent youth in Utah.

The result is a model youth corrections system that demonstrates that effective, humane programs for youth can be created by States with the support of the Federal Government through grants and technical assistance.

Today the youth corrections system, the Utah youth corrections system is composed of 2 30-bed regional secure facilities, 3 15-bed regional observation and assessment centers, and approximately 30 different community-based alternative programs privately operated serving over 250 youth located throughout the State.

The emphasis in every program is individualized treatment in the least restrictive setting which protects the community.

Our system is still relatively new. The new secure facilities opened in 1983, and alternative programs have, to a large extent, only operated since 1980. However, every indication we have is that the system is working.

Many national juvenile justice experts have described Utah as one of the leaders in the national movement to deinstitutionalize juvenile offenders.

Since the inception of the Utah Division of Youth Corrections in 1981, we have continued to analyze and evaluate the process of deinstitutionalization and its impact on public safety, treatment, and rehabilitation of delinquent youth.

The results of our analyses and evaluations have been positive and encouraging.

The National Council on Crime and Delinquency recently completed a study of the juvenile justice system in Utah. The study looked at youth on probation and those placed in youth corrections programs.

The youth sent to youth corrections were much more severe, chronic offenders than the probation group. They were similar to youth placed in training schools in other States.

The preliminary study results indicate that this group of very seriously delinquent youth who were served by the division of youth corrections show encouraging suppression rates.

In fact, the overall success rate for youth corrections was the highest of all the groups in the study, as indicated by the suppression effect.

The suppression effect measures the percentage of decrease in criminal activity, or delinquent charges for a period of 6 months before and 6 months after court intervention. Using this measure,

youth in youth corrections programs displayed a 72-percent reduction in charged criminal activity.

Some of the division's own studies support the NCCD study findings.

Our recidivism data show that our most successful youth are those committed to youth corrections for community placement. These youth are seriously delinquent youth who have been successfully diverted from secure confinement.

A recent followup study of these youth found that approximately 75 percent were crime-free for at least 1 year after leaving youth corrections custody.

In Utah, we attribute our success to our intensive, individualized, treatment-oriented programs, a high regard for public safety, and consideration for youth accountability.

Our treatment and rehabilitation interventions have been applied with great consideration to family dynamics. Studies have shown that interventions which involve the family have generally been correlated with lowered recidivism rates. We realize that lasting rehabilitative changes cannot be effected if the family system is ignored.

We believe that we have been able to isolate the most dangerous and severely delinquent youths. We securely maintain these youth in small, regionalized locked facilities.

Since closing the training school, the escape rate has been reduced to almost zero.

The division has also put extra effort into developing a secure facility release guideline that balances the needs of the youth and the safety of the community.

The models of accountability and deinstitutionalization are not mutually exclusive.

Utah has had legislation to specifically permit restitution as a sanction for juvenile offenders for a number of years. Even before deinstitutionalization, Utah was well aware of the positive impact restitution has on both juvenile offenders and victims.

Virtually all empirical studies of restitution have shown that restitution programs have a positive effect on recidivism. Therefore, restitution accountability was incorporated into our program.

During fiscal year 1986, \$86,000 will be earned by youth in our custody and paid directly to victims through our restitution program.

How has the Juvenile Justice and Delinquency Prevention Act impacted all of these changes in the Utah system?

A national thrust emerged in the early 1970's which changed the philosophy for treating youth, and the JJDP Act set a direction which was instrumental in igniting the States into creative thinking and programming for troubled youth.

The Utah response to the JJDP initiative has been to become very proactive in the deinstitutionalization movement and in jail removal.

As far back as 1903, the Utah Legislature passed legislation addressing the need to remove juveniles from adult jails. So, the concept is not new. But the impetus of the JJDP Act has been invaluable in strengthening those efforts.

Utah has achieved full compliance with removing status offenders and nonoffenders from the State's secure correctional facilities and has deinstitutionalized all but the most serious chronic and violent offenders from secure confinement.

In 1985, Utah was in complete compliance with the separation requirement with no juveniles being held in jails that did not meet the sight and sound separation.

Continued JDDP funding is essential for continuing programs in the juvenile justice systems throughout the United States. If funding is lost, much of the thrust which has been generated in dealing with some of the critical issues and problems regarding the removal of youth from rural adult jails, the services provided in working with status offenders, and the deinstitutionalization effort will be lost.

Our recommendations would include the following in regards to the JJDP Act:

One, that it continue to be funded;

Two, we need a better distinction between the chronic and violent offenders, who need to be locked up, and those less serious offenders, who do not.

Strengthening of families must continue to be emphasized. We are spending far too much money at the wrong end of the system for expensive lockup facilities. JJDP money, with its emphasis on prevention, gives us a viable opportunity to spend fewer tax dollars more effectively.

In summary, we do not purport to have the perfect system. What we have done in Utah may or may not work in other States.

We have been able to develop a continuum of services which reach from the status offender to the most seriously delinquent youth with a philosophy of the least restrictive alternative, which still provides accountability and protection to the public.

The JD Act has provided invaluable assistance in helping us accomplish these changes. The support we have received from grants has led to the development of several model programs, all of which are now being fully funded by State and local government entities.

The preliminary studies completed on the Utah youth corrections system indicate that in general it is working. Youth are being served closer to home, more humanely, and with more effective treatment methods than ever before.

Utah has found that youth can be held accountable and be held in the least restrictive alternative without sacrificing the safety of our citizens.

Thank you.

[Prepared statement of C. Ronald Stromberg follows:]

PREPARED STATEMENT OF C. RONALD STROMBERG, DIRECTOR, UTAH STATE DIVISION OF
YOUTH CORRECTIONS, SALT LAKE CITY, UT

Distinguished Representatives of the Subcommittee on Human Resources, Staff and other concerned parties. It is a pleasure to be here and share with the Committee some very positive information concerning juvenile justice programs. For the past few years there has been an expression of pessimism from many quarters, an attitude that nothing works with seriously delinquent youth and that the Juvenile Justice and Delinquency Prevention Act of 1974 has not been successful in helping States address juvenile delinquency issues.

The Utah experience has been the opposite. Dramatic positive change has occurred since the Act of 1974 was passed by Congress, and although it will take several years of evaluation to measure the outcome of the change, there is an attitude of optimism and a conviction that the needs of both youth and the public are being addressed better now than ever before by our Juvenile Justice System.

Utah has always been known for its strong emphasis on the family and its leadership in youth programs. When the Juvenile Justice Act was passed, Utah began to remove status offenders from its large youth institution. A class action law suit against the institution a year later resulted in a reassessment of the philosophy of placing youth in a single, large correctional facility. In 1977 Governor Scott Matheson appointed a Blue Ribbon Task Force to review the criminal justice system. Its recommendations included the following:

1. Removing "runaways" and "ungovernables" from Juvenile Court jurisdiction.
2. Adherence to the philosophy of "the least restrictive setting".
3. Adoption of deinstitutionalization as a philosophical position of the Youth Corrections system.
4. Dependence on community based programs for youthful offenders.
5. Reliance on the private sector for the establishment and operation of the community programs.
6. Development of commitment and release guidelines for placement of youths.

The Governor, juvenile justice leaders and the legislature made a commitment to follow the recommendations of the Task Force. Instead of placing large numbers of youth in a central training school, it was decided to make every effort to place youths in facilities and programs close to their own homes, families and support services. It was also decided that only youth who were a serious threat to themselves or the community would be locked up and only in small secure facilities. There was, and is, an attitude that youth can change and be molded through effective individualized treatment programming.

In keeping with this philosophy, the institutional population was rapidly reduced from over 350 youth to less than 100. OJJDP Grants for \$800,000 and for technical assistance made it possible to create statewide community based alternative programs which served the youth who were removed from the institutions. The State has since picked up the full cost of operating these community programs. The Massachusetts deinstitutionalization experience was studied and assistance received from leaders and program experts in their state. Careful planning with wide based support led to the creation of a Division of Youth Corrections with the specific responsibility to provide facilities and programs for the most seriously delinquent youth in Utah. The task was not easy. Many said it could not be done. Others said it would fail, but the end result is a model youth corrections system that demonstrates that effective, humane programs for youth can be created by states with support from the Federal government through grants and technical assistance.

Today the Utah Youth Corrections system is composed of two 30 bed regional secure facilities, three 15 bed regional observation and assessment centers, and approximately 30 different community based alternative programs serving over 250 youth located throughout the state. The emphasis in every program is individualized treatment in the least restrictive setting which protects the community.

With over 32,000 delinquency referrals to the juvenile court each year and only 60 secure beds in the state for the most seriously delinquent youth the questions which are most often asked are: Does it work? What happened to the status offenders? Will it work in other states?

Perhaps we can spend some time addressing those questions.

Our system is still relatively new, the new secure facilities opened in 1983, and alternative programs have, to a large extent, only operated since 1980. However, every indication we have is that the system is working.

Statistically an overview of the system change is reflected in the following:

	1976	1980	1985
SECURE BEDS	450	200	60
COMMUNITY BEDS	--	100	250
YOUTH IN JAIL	700+	230	109*
STATUS OFFENDERS HELD IN DETENTION	3324	689	124

* Only 25 in violation of sight and sound separation.

Milton Rector, Ira Schwartz and Robert Coates are among the many national juvenile justice experts who have described Utah as "one of the leaders in the national movement to deinstitutionalize juvenile offenders". Since the inception of the Utah Division of Youth Corrections in 1981, we have continued to analyze and evaluate the process of deinstitutionalization, and its impact on public safety and supervision, treatment and rehabilitation of delinquent youth. The results of our analyses and evaluations have been positive and encouraging.

NCCD Study. Dr. Barry Krisberg of the National Council on Crime and Delinquency recently completed a study of the Juvenile Justice System in Utah. The original intent of the study was to look at probation only, but in following the youth, Youth Corrections' programs became involved. The youth sent to Youth Corrections were much more severe, chronic offenders than the probation group; they were similar to youth placed in training schools in other states. Dr. Krisberg's preliminary results indicate that this group of very seriously delinquent youth who were served by OYC show encouraging suppression rates. In fact, the overall success rate for Youth Corrections was the highest of all groups in the study, as indicated by the suppression effect. The suppression effect measures the percentage of decrease in criminal activity, or delinquent charges for a period of 6 months pre and 6 months post court intervention. Using this measure, youth in Youth Corrections' programs displayed a 72% reduction in charged criminal activity.

Other Studies. Some of the Division's own studies support Dr. Krisberg's findings. Our recidivism data show that our most successful youth are those committed to Youth Corrections for community placement. These youth are seriously delinquent youth who have been successfully diverted from secure confinement. A recent follow-up of these youth found that approximately 75% were crime free for at least one year after leaving Youth Corrections custody.

We have also followed the most serious and violent youth in our secure facilities and found recidivism rates much higher. Sixty-six percent of youth leaving secure facilities were convicted of at least one felony within a year of being paroled. This group represents the toughest youth in our system; approximately 12% of our average daily population. Still, we found a significant suppression effect in this population. After leaving secure facilities, their crimes were less frequent, and less likely to be violent acts against people.

Finally, highly regarded Rand studies have found that the most striking ingredient among successful programs was a "clear sense among staff of common purpose, shared beliefs, high morale and pride". A recent study by Dr. George Kelner found evidence of these ingredients in the Youth Corrections' Secure Facilities and Observation and Assessment Centers. Dr. Kelner's study found that Utah's new youth corrections system is perceived quite positively by

staff and youth. The facilities were found to have strong treatment orientation and a positive staff-resident culture. The facilities were also found to be flexible, nonauthoritarian, and well organized.

The results show that these five facilities operate with a team approach and that line staff together with administrative staff work with a common mission toward the attainment of common goals. Finally, the study found that the five facilities, though decentralized and located throughout the state, were quite similar in philosophy and program. This demonstrates that Utah's youth corrections system is cohesive rather than fragmented, and supports the positive perceptions of Utah's Division of Youth Corrections held by several nationally recognized leaders in the correctional field.

In Utah we attribute our success to our intensive, individualized, treatment oriented programs; high regard for public safety, and consideration for youth accountability. Our treatment and rehabilitation interventions have been applied with great consideration to family dynamics. Studies have shown that interventions which involve the family have generally been correlated with lowered recidivism rates. We realize that lasting rehabilitative changes cannot be effected if the family system is ignored.

Individualized Treatment. DYC currently serves approximately three-fourths of the youth in our custody in close proximity to the youths' families. Fifty-five percent of families of youth in our secure facilities and observation & assessment centers are involved in some form of family therapy or family counseling. This is a dramatic increase in family involvement since the days of the large, centralized training school.

Our decentralized, community-based private provider system offers a diversity of programming which facilitates the individualized treatment of the youth. On any given day approximately 80% of youth in our custody are served in community placements, or are served at home with intensive supervision or day-treatment. These services range from specialized foster care to group homes, as well as specialized day-treatment programs such as alcohol and drug, alternative education, vocational training, individual, group and family therapy. Again, the recidivism data have indicated significant suppression effects while youth are in community placements and at home with intensive supervision. We found that rates of new offenses have dramatically decreased, and crimes, when committed, have been less severe.

Public Safety. We believe that we have been able to isolate the most dangerous and severely delinquent youths. We securely maintain these youth in small, regionalized locked facilities. Since closing the centralized training school, the escape rate has been reduced to almost zero. The Division has also put extra effort in developing a secure facility release guideline that balances the needs of the youth and the safety of the community. This guideline is used to help our all-citizen Parole Authority make parole decisions.

Accountability. The models of accountability and deinstitutionalization are not mutually exclusive. Utah has had legislation to specifically permit restitution as a sanction for juvenile offenders for a number of years. Even before deinstitutionalization, Utah was well aware of the positive impact restitution has on both juvenile offenders and victims. Virtually all empirical studies of restitution have shown that restitution programs have a positive effect on recidivism. Therefore, restitution accountability was incorporated into our deinstitutionalized program system. During fiscal year 1986 \$86,000 will be earned by youth in our custody and paid directly to victims through our restitution program.

How has the Juvenile Justice and Delinquency Prevention Act impacted all these changes in the Utah system? A national thrust emerged in the early 1970's which changed the philosophy for treating youth, and the JJDP Act set a direction which was instrumental in igniting the States into creative thinking and programming for troubled youth.

The three mandates of the JJOP Act include the removal of status offenders and non-offenders from secure detention and correctional facilities (deinstitutionalization), the separation of juveniles from adult offenders in adult jail facilities (separation requirement), and the removal of juveniles from adult jails and lockups (jail removal).

The Utah response to the JJOP initiative has been to become very proactive in the deinstitutionalization movement and in jail removal. As far back as 1903 the Utah legislature passed legislation addressing the need to remove juveniles from adult jails, so the concept is not new, but the impetus of the JJOP Act has been invaluable in strengthening the efforts.

Utah has achieved full compliance with removing status offenders and non-offenders from the state's secure correctional facilities and has deinstitutionalized all but the most serious chronic and violent offenders from secure confinement.

In 1985 Utah was in complete compliance with the separation requirement with zero juveniles held in jails that did not meet the sight and sound separation. The jail removal endeavor has reduced the number of juveniles in jail from over 700 reported in 1976 to 109 in 1985, with only 27 of these being non-criminal offenders.

Status offenders have been identified as having primarily family problems rather than legal, and the deinstitutionalization of these non-criminal offenders has generated increased counseling and other needed services. The Division of Family Services is required to provide earnest and persistent efforts to keep every runaway and ungovernable child out of the juvenile justice system, and it is only if these efforts have failed that a child may be referred to the juvenile court.

Significant examples of the impact of JJOP funding in Utah include:

- Training which has brought together all components of the system to better coordinate philosophy, improve service delivery, and minimize liability issues.
- Observation and Assessment Centers which provide thorough evaluation and treatment planning for youth and prevent institutionalization of many.
- Jail removal and monitoring which have been gratefully received by rural county sheriffs.
- Community program start up monies of \$800,000 which really began the deinstitutionalization and regionalization effort.
- Data system upgrades.
- Home detention.
- Shelter home expansion.
- Youth Services Centers.

In 1974 the first of the current five Youth Services Centers in the State was established in Salt Lake City, partially funded with JJOP money. We have found that most runaways are not running to something but from an intolerable situation, and each part of the system must work to solve the problem in the home.

Continued JJOP funding is essential for continuing programs in the juvenile justice systems throughout the United States. If funding is lost, much of the thrust which has been generated in dealing with some of the critical issues and problems regarding the removal of youth from rural adult jails, the services provided in working with status offenders, and the deinstitutionalization effort will be lost.

We need a better distinction between the chronic and violent offenders who need to be locked up and those less serious offenders who do not.

Strengthening of families must continue to be emphasized. We are spending too much money at the wrong end of the system for expensive lock up facilities. JJDP money, with its emphasis on prevention, gives us a viable opportunity to spend fewer tax dollars more effectively.

In summary, we do not purport to have the perfect system. What we have done in Utah may or may not work in other states.

We have been able to develop a continuum of services which reach from the status offender to the most seriously delinquent youth with a philosophy of least restrictive alternative, which still provides accountability and protection to the public.

The JO Act has provided invaluable assistance in helping us accomplish these changes. The support we have received from grants has led to the development of several model programs all of which are now being fully funded by state and local government entities.

The preliminary studies completed on the Utah Youth Corrections system indicate that in general it is working. Youth are being served closer to home, more humanely and with more effective treatment methods than ever before. Utah has found that youth can be held accountable and be held in the least restrictive alternative without sacrificing the safety of our citizens.

Mr. KILDEE. Thank you, Mr. Stromberg.
Judge Quinn.

STATEMENT OF HON. LUKE QUINN, JUDGE OF PROBATE AND
CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE, NATIONAL
ASSOCIATION OF COUNTIES, FLINT, MI

Judge QUINN. Mr. Chairman, thank you very much for the opportunity of appearing here today before you and the members of the subcommittee.

I am a juvenile judge from Flint, MI, Congressman Kildee's hometown and Susan's hometown, so it is particularly pleasing for me to be here.

In the unlikely event that Congressman Perkins might wonder a little bit about whether or not I have an authentic accent of a Michiganite, I am very pleased to inform him that we share a common heritage. I was born, reared and educated in the State of Kentucky, and I make two pilgrimages back there each year, always connected with the races at Keeneland and Churchill Downs. So, it is very pleasant to meet you today, Congressman.

Mr. KILDEE. Kentucky has sent Flint, MI, a large number of very fine people. We appreciate that.

Judge QUINN. Well, thank you, sir.

I think if I were wise—well, let me say this, Mr. Kildee, without—realizing that I think what you have done here is you have saved the least for last, because I could very easily simply endorse what has been said here today, rely on the written report which has been submitted, and not say another word, because I agree with practically everything that has been said.

I was particularly impressed with my fellow Michiganite's very eloquent statement, and I agree with nearly everything that she said.

I might just also mention, in connection with the written report that I have submitted, attached thereto was a study done by the Community Research Center of the University of Illinois, which I think contains some highly significant information on what has been done nationwide, and I commend that to you and I extend my appreciation to Mr. James Brown, who is responsible for the preparation of that report.

I will just make——

Mr. KILDEE. We will make his report part of the record of this hearing.

Judge QUINN. Very good, sir.

I will just make a few brief comments.

Pat Cuza already referred to the fact that the act has been successful, I think, beyond anyone's expectation, and the best way for me to illustrate that would be to give you a little before and after scenario in Flint, MI.

When I became a juvenile judge back in 1970, we were locking up kids in that county by the hundreds, and most of them were what we have so benignly called the status offender, the runaway, the school truant, the home incorrigible.

In 1970 we locked up 1,573 in Genesee County, and for good measure in that same facility that we were putting these so-called delinquent kids, we put 137 abused and neglected children.

Most of these children were runaways, home incorrigibles, school truants.

And along came the act, and what it did, as Ms. Cuza pointed out, it provided for citizen involvement, brought the common sense of the community to bear on what was being done in the juvenile courts of the State, and it forced us to take a look at what we were doing to what we say our most precious asset is, our children.

And we applied and received a grant and started a runaway program. And do you know that in 1973, for example, the year immediately before the act was passed, we locked up 773 kids for running away from home in Flint, MI.

We got this grant, fully implemented a program in 1977, and guess how many runaway kids we locked up in 1984? One. From 773 in 1973 to 1 in 1984, and that child happened to be a person who a judge other than myself believed was in imminent danger of doing himself great bodily harm unless he was temporarily detained.

Now, when we implemented that policy—and I won't go into all the details about what brought this on, because that is another story, but when we fully implemented the policy of not locking up runaway children and brought that to the community, we got some pretty adverse comments.

I recall receiving a letter from a high public official telling me that not only was I letting down the constituency which had elected me to public office, but I was really letting these little children down, because they needed to be locked up for their own protection, they just weren't safe out there on the streets.

Well, I am proud to be able to tell you that I didn't believe that then and I don't believe that now, and we stopped locking up runaway children. They are not running away any more often than they did before, probably no less, but certainly they are being treated much more humanely, much more efficiently, and at much less cost than ever before.

I still think there is work to be done in other parts of the State dealing with those children, because I don't believe—

[Vote call.]

Mr. KILDEE. I can stay here another 5 minutes.

Judge QUINN. OK. Let me just say that I don't believe that the so-called status offender has been totally removed from secure detention in the State of Michigan or elsewhere in the country. I am also very concerned about the number of kids who fall in that category, and others who wind up in the jails of this country.

According to my understanding, about 500,000 kids still go to adult jails, many of whom have committed no offense whatsoever.

And a concern of mine, which I don't think really has been addressed anywhere, is the so-called police lockup. And I know the National Association of Counties has had a concern about that for some time.

We don't know how many lockups there are in this country, let alone how many kids go into them. But it is estimated that they may run from 10,000 to 18,000.

And if that is the case, I think that literally hundreds of thousands of children are winding up in some sort of a lockup situation in the police stationhouses of this country.

And I think that presents a very dangerous situation. They may be in even more danger there than they are in the adult jails.

Now, true, they are there for usually short periods of time, under 6 hours, awaiting to be picked up by a parent, guardian, or friend. But I submit to you that if you look at the statistics, most of the suicides that occur in this country, both by juveniles and adults, occur within that 6-hour period.

So, I think this is something that this committee ought to really take a look at.

The National Association of Counties has made two additional recommendations. However, they are contained in our written testimony and I don't feel it is necessary for me to repeat them here.

Let me just say that it is a pleasure having been here and it is really encouraging to me to know that you, Congressman Kildee, and the other members of your subcommittee are so interested in the plight of the children of this country.

Thank you very much.

[Prepared statement of Judge Luke Quinn follows:]

PREPARED STATEMENT OF HON. LUKE QUINN ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES (NACo)*

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM LUKE QUINN, PROBATE JUDGE FROM GENESEE COUNTY (FLINT), MICHIGAN. IN MICHIGAN, PROBATE JUDGES HANDLE JUVENILE CASES, AS WELL AS ESTATES, ADOPTION, MARRIAGES, AND COMMITMENT OF THE MENTALLY ILL. I AM CHAIRMAN OF THE NATIONAL ASSOCIATION OF COUNTIES* JUVENILE JUSTICE SUBCOMMITTEE. I APPEAR HERE TODAY TO PRESENT NACo'S VIEWS ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

IT IS A SPECIAL PLEASURE FOR ME TO BE TESTIFYING THIS MORNING BEFORE YOU, MR. CHAIRMAN, AND THIS DISTINGUISHED COMMITTEE. LET ME ALSO ADD - AS SOMEONE WHO HAS LONG ADMIRER YOUR LEADERSHIP - THAT IT IS PARTICULARLY GRATIFYING TO ME TO KNOW THAT THE FEDERAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM, WHICH I BELIEVE HAS HAD SUCH A SIGNIFICANT AND POSITIVE IMPACT ON THIS NATION'S JUVENILE JUSTICE SYSTEMS, WILL BE OVERSEEN BY YOU AND YOUR SUBCOMMITTEE.

*NACo IS THE ONLY NATIONAL ORGANIZATION REPRESENTING COUNTY GOVERNMENT IN AMERICA. ITS MEMBERSHIP INCLUDES URBAN, SUBURBAN AND RURAL COUNTIES JOINED TOGETHER FOR THE COMMON PURPOSE OF STRENGTHENING COUNTY GOVERNMENT TO MEET THE NEEDS OF ALL AMERICANS. BY VIRTUE OF A COUNTY'S MEMBERSHIP, ALL ITS ELECTED AND APPOINTED OFFICIALS BECOME PARTICIPANTS IN AN ORGANIZATION DEDICATED TO THE FOLLOWING GOALS: IMPROVING COUNTY GOVERNMENT; ACTING AS A LIAISON BETWEEN THE NATION'S COUNTIES AND OTHER LEVELS OF GOVERNMENT; AND ACHIEVING THE PUBLIC UNDERSTANDING OF THE ROLE OF COUNTIES IN THE FEDERAL SYSTEM.

THE IMPORTANCE OF FEDERAL LEADERSHIP

THE MOST IMPORTANT POINT I MADE IN MY TESTIMONY BEFORE THIS SUBCOMMITTEE A YEAR AGO IS STILL TRUE TODAY: THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT IS INVALUABLE TO OUR NATION'S YOUTH, PARTICULARLY THOSE AT RISK OR CAUGHT UP IN THE JUVENILE JUSTICE SYSTEM. THIS PROGRAM HAS HAD AN IMPRESSIVE TRACK RECORD -- FAR BEYOND ITS VERY MODEST LEVEL OF FUNDING WOULD SUGGEST.

THE LEGISLATION HAS BEEN RESPONSIBLE FOR REMOVING TENS OF THOUSANDS OF STATUS OFFENDERS FROM SECURE DETENTION AND ADDITIONAL THOUSANDS OF YOUNGSTERS FROM ADULT JAILS. THE FORMULA GRANT PROGRAM, WHICH OFFERS STATES A VERY MODEST AMOUNT OF FUNDING IN EXCHANGE FOR COMPLIANCE WITH THE DEINSTITUTIONALIZATION AND REMOVAL MANDATES, IS THE KEY TO THE SIGNIFICANT IMPROVEMENTS IN JUVENILE JUSTICE PRACTICES.

FEDERAL LEADERSHIP, THROUGH THE OJJDP PROGRAM, HAS ALSO GIVEN PUBLIC OFFICIALS AND PRIVATE CITIZENS THE OPPORTUNITY TO TAKE A CRITICAL LOOK AT TRADITIONAL JUVENILE JUSTICE PRACTICES AND TO TEST NEW INNOVATIVE PROGRAMS. THIS EXAMINATION AND THE INCENTIVE OF FEDERAL FUNDING HAS RESULTED IN STATES CHANGING THEIR LAWS TO COMPLY WITH THE JUVENILE JUSTICE ACT.

GENESEE COUNTY (FLINT) AND THE STATE OF MICHIGAN

EXAMPLES OF THE IMPACT OF THE FEDERAL JUVENILE JUSTICE PROGRAM CAN BE FOUND RIGHT IN MY HOME COUNTY AND STATE.

WITH THE JUVENILE JUSTICE ACT AS A DROPBACK, THE COUNTY SIGNIFICANTLY REDUCED THE POPULATION OF ITS 70-BED JUVENILE DETENTION CENTER. IT GOT TO A POINT WHERE THE COUNTY NO LONGER NEEDED THE CENTER, WHICH OTHER JUDGES AND I HAD BEEN FILLING WITH RUNAWAYS AND OTHER STATUS OFFENDERS.

THESE YOUNG PEOPLE ARE NOW ALMOST EXCLUSIVELY REFERRED TO REACH (RUNAWAY EMERGENCY ACTION CENTER HOTLINE) FOR CRISIS INTERVENTION AND/OR VOLUNTARY TEMPORARY SHELTER. ITS GOAL IS TO KEEP FAMILIES TOGETHER WHENEVER POSSIBLE AND TO HELP CORRECT SITUATIONS THAT LED TO THE YOUNGSTER RUNNING AWAY. IN 1975, OVER 1,200 GENESEE COUNTY YOUTH WERE ARRESTED FOR RUNNING AWAY FROM HOME, AND FULLY ONE-THIRD OF THE CASES HANDLED BY PROBATE COURT WERE FOR THE OFFENSE OF RUNNING AWAY. RUNAWAYS FILLED THE DETENTION CENTER! BETWEEN 1977, WHEN REACH BEGAN, AND 1983-84, STATUS OFFENDER ADMISSIONS TO THE FACILITY DECLINED BY 99 PERCENT.

IN THE SAME YEAR, 1983-1984, REACH HOUSED 358 YOUTHS AND WORKED WITH APPROXIMATELY 2,000 ADDITIONAL YOUNG PEOPLE AND THEIR FAMILIES.

IN 1985, THE GENESEE COUNTY PROBATE COURT AUTHORIZED A GRAND TOTAL OF 80 PETITIONS ON RUNAWAYS -- THIS COMPARES WITH THE 1200 RUNAWAY CASES THAT THE COURT WAS WORKING WITH IN 1975.

IN THE EARLY DAYS, REACH UTILIZED EMERGENCY FOSTER HOMES UNTIL THE LACK OF 24 HOUR COVERAGE CREATED A SERIOUS PROBLEM. AT THE END OF THREE YEARS, IT BECAME CLEAR THAT EMERGENCY FOSTER CARE WAS NOT WORKING -- FOSTER CARE BEDS WERE NOT AVAILABLE IN 30% OF THE CASES WHEN NEEDED.

IN OCTOBER 1980, REACH WAS AWARDED ANOTHER GRANT THAT ALLOWED THEM TO ESTABLISH A RESIDENTIAL FACILITY. SINCE THAT TIME ALL SERVICES BECAME CENTRALIZED IN ONE BUILDING - AND THE PROGRAM HAS NEVER TURNED AWAY ANYONE BECAUSE OF A LACK OF BEDS.

THIS NEW APPROACH ALLOWED THE COUNTY TO SAVE THE \$130 PER DAY COST OF HOLDING JUVENILES IN THE DETENTION FACILITY. IN FACT, WITHIN A YEAR OF REACH'S OPENING, THE COUNTY HAD SO LITTLE USE FOR THE JUVENILE DETENTION CENTER THAT WE TURNED THE FACILITY OVER TO THE STATE IN 1978, SAVING GENESEE COUNTY TAXPAYERS ABOUT ONE MILLION DOLLARS PER YEAR. THE STATE NOW USES IT AS A REGIONAL FACILITY AS SUPPORT FOR A PROGRAM TO REMOVE JUVENILES FROM ADULT JAILS THAT WAS INITIALLY FUNDED BY OJJDP.

MICHIGAN COUNTIES PARTICIPATING IN THE JAIL REMOVAL INITIATIVE ACHIEVED A 75 PERCENT REDUCTION IN THE NUMBER OF JUVENILES IN JAIL. ALTERNATIVE PROGRAMS SUCH AS HOME DETENTION, TRANSPORTATION SERVICES, AND NON-SECURE AND SECURE HOLDOVER FACILITIES ARE USED IN PLACE OF JAILING JUVENILES. THE PROGRAMS ARE INEXPENSIVE AND WELL RECEIVED.

JAIL REMOVAL IN THE UPPER PENINSULA

THE NETWORK OF SERVICES ESTABLISHED IN MICHIGAN'S RURAL UPPER PENINSULA FOR KEEPING JUVENILES OUT OF ADULT JAILS DEMONSTRATES THE VALUE OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AS A CATALYST FOR INNOVATION AND PROGRESSIVE CHANGE. FUNDS RECEIVED UNDER THE ACT HELPED UNDERWRITE MUCH OF

THE DEVELOPMENTAL COSTS ASSOCIATED WITH DESIGNING THE PROGRAM. TODAY, THIS SUCCESSFUL UNDERTAKING IS TOTALLY SUPPORTED BY THE STATE OF MICHIGAN.

THE PROGRAM'S TRACK RECORD HAS CLEARLY ESTABLISHED THAT THE SEEMINGLY INSURMOUNTABLE OBSTACLES ASSOCIATED WITH CREATING RURAL PLACEMENT OPTIONS EVAPORATES QUITE QUICKLY WHEN THE SUPPORT, IMAGINATION AND CREATIVE ENERGY OF THE COMMUNITY IS APPLIED.

THE RANGE OF OPTIONS GENERATED BY THE PROGRAM INCLUDED THE USE OF NON-SECURE "HOLDOVERS" (OR ROOMS IN EXISTING PUBLIC BUILDINGS), INTENSIVE HOME DETENTION AND A TRANSPORTATION SYSTEM TO MORE SECURE JUVENILE DETENTION CENTERS.

IN RURAL HOUGHTON COUNTY, FOR EXAMPLE, UNTIL ABOUT FOUR YEARS AGO, THE ONLY PLACE WHERE AN ARRESTED JUVENILE COULD BE HELD WAS THE COUNTY JAIL. THE CLOSEST COUNTY-RUN JUVENILE DETENTION CENTER WAS 440 MILES AWAY IN BAY CITY.

FOR HOUGHTON COUNTY, AND OTHER COUNTIES PARTICIPATING IN THE PROGRAM, A NON-SECURE HOLDOVER PROVIDES A VIABLE OPTION FOR MOST CASES REQUIRING TEMPORARY HOLDING PENDING A PRELIMINARY HEARING. NON-SECURE AND SECURE HOLDOVER SITES ARE USED FOR UP TO 16 HOURS FOR YOUTH WHO CANNOT BE RETURNED HOME. IN MANY INSTANCES THEY ARE UTILIZED FOR YOUNGSTERS CHARGED WITH MINOR AGGRESSIVE FELONIES, PROPERTY FELONIES AND SERIOUS MISDEMEANORS.

PERHAPS THE MOST UNIQUE FEATURE OF THE SYSTEM IS THE ONE-ON-ONE SUPERVISION PROVIDED BY PAID VOLUNTEERS WHO STAY IN THE HOLDOVER WITH THE YOUNGSTER FOR AS LONG AS THE YOUTH IS THERE.

THE PROGRAM FREQUENTLY UTILIZES COLLEGE STUDENTS AND RETIRED POLICE OFFICERS AS ATTENDANTS WHO ARE PAID AT THE MODEST RATE OF \$5 AN HOUR.

ACCORDING TO COMMUNITY RESEARCH ASSOCIATES, WHICH HAS FOR A NUMBER OF YEARS PROVIDED TECHNICAL ASSISTANCE TO JURISDICTIONS SEEKING TO IMPLEMENT THE REMOVAL MANDATE, IN 1984 THE ENTIRE UPPER PENINSULA ALTERNATIVE SERVICE PROGRAM COST THE STATE OF MICHIGAN ONLY \$118,194. BY DECEMBER 1982, AS A RESULT OF THE INTRODUCTION OF THE NEW SYSTEM, THE JAILING OF JUVENILES IN THE PARTICIPATING COUNTIES DROPPED BY 74 PERCENT.

THE SYSTEM IS MANAGED BY A REGIONAL DETENTION SERVICES DIRECTOR AND INCLUDES A TRANSPORTATION SERVICE FOR THE SMALL NUMBER OF YOUNGSTERS WHO REQUIRE SECURE DETENTION AT THE REGIONAL DETENTION CENTER IN FLINT. PRELIMINARY ANALYSIS AS VERIFIED BY THE STATE INDICATES THAT THE SAME SUCCESS RATE OF 74.5% HAS BEEN SUSTAINED IN NEWLY PARTICIPATING COUNTIES. IN MICHIGAN, 15 COUNTIES MOSTLY RURAL, CONTRIBUTE TO 72% OF ALL JAILINGS IN THE STATE.

FROM THE UPPER PENINSULA WHERE THE SYSTEM ORIGINALLY STARTED THE PROGRAM HAS SINCE BEEN EXPANDED TO COVER THE ENTIRE STATE. FORTY NINE OF THE SIXTY FOUR COUNTIES THAT DO NOT HAVE DETENTION FACILITIES ELECTED TO PARTICIPATE IN THE PROGRAM.

EXAMPLES OF COUNTY PROGRAMS

OTHER SUCCESSFUL JUVENILE JUSTICE PROGRAMS IN MICHIGAN BEGAN WITH FEDERAL FUNDING. THE JACKSON COUNTY DIVERSION PROGRAM BEGAN AS A COUNTY OPERATED EFFORT TO PROVIDE SERVICES TO YOUTH AND TO REDUCE THE NUMBER OF CASES COMING TO THE ATTENTION OF THE JACKSON COUNTY JUVENILE COURT. THE PROGRAM BECAME AN

IMMEDIATE SUCCESS THROUGH THE HARD WORK OF THE STAFF AND THE EXCELLENT COOPERATION OF THE BOARD ESTABLISHED TO PROVIDE OVERSIGHT TO THE ORGANIZATION. SUBSEQUENTLY THE COUNTY RECOMMENDED THAT THE AGENCY BE INCORPORATED AS A PRIVATE NONPROFIT AGENCY. A PERMANENT BOARD OF DIRECTORS WAS ESTABLISHED AND THE AGENCY WAS INCORPORATED. SUBSEQUENTLY THE AGENCY RECEIVED PERMANENT FUNDING BY THE STATE OF MICHIGAN, THE JACKSON AREA UNITED WAY AND THROUGH PRIVATE DONATIONS. THE AGENCY IS NOW IN ITS FIFTH YEAR.

THE WAYNE COUNTY JUVENILE COURT HAS IMPLEMENTED SEVERAL PROGRAMS THROUGH THE JJDPA FUNDING. BEGUN IN 1983 WITH ONE YEAR FUNDING THROUGH JJDPA, THE COUNTY LAUNCHED AN INTENSIVE PROBATION PROGRAM TO WORK WITH SERIOUS OFFENDERS AND CONTRACTED WITH TWO PRIVATE AGENCIES TO PROVIDE ADDITIONAL TREATMENT SERVICES IN THE COMMUNITY. AT THE SAME TIME, THE WAYNE COUNTY JUVENILE COURT CONTRACTED WITH THE UNIVERSITY OF MICHIGAN TO IMPLEMENT AN EVALUATION PROGRAM TO LOOK AT THE OUTCOME OF THE PROJECTS, BOTH WITH RESPECT TO THE COSTS OF THE SERVICE AND CLIENT OUTCOMES.

ACCORDING TO THE RESULTS WHICH ARE IN TO DATE, ALL THREE OF THE PROGRAMS RESULTED IN LESS EXPENSIVE SERVICES WITHOUT ANY ADDITIONAL CRIMINAL ACTIVITY ON THE PART OF THE YOUTH INVOLVED. ALL THREE PROGRAMS DEMONSTRATED THAT THE INTERVENTION IN THE COMMUNITY CAN SUCCEED. EACH PROGRAM ACHIEVED ITS OWN DISTINCTIVE SUCCESSES. THE STAFF ACTIVITY VARIED FROM PROGRAM, TO PROGRAM. SO DID THEIR RELATIONSHIPS WITH THE COMMUNITY AND

THE COMPONENTS OF THE JUVENILE JUSTICE SYSTEM. IN SUMMARY, EACH OF THE PROGRAMS MADE A SIGNIFICANT NEW CONTRIBUTION TO JUVENILE JUSTICE SERVICES IN WAYNE COUNTY AT REDUCED COSTS.

ACCREDITATION OF PROGRAMS IS ONE AREA IN WHICH THE JJDPF FUNDING CONTINUES TO ASSIST MICHIGAN. THE BERRIEN COUNTY JUVENILE COURT WAS THE FIRST JUVENILE COURT IN THE UNITED STATES TO BE ACCREDITED UNDER THE AMERICAN CORRECTIONAL ASSOCIATION PROCESS. CURRENTLY THE WAYNE COUNTY YOUTH HOME IS IN THE PROCESS OF ACCREDITATION THROUGH A JUVENILE JUSTICE AND DELINQUENCY PREVENTION SUBGRANT.

THE COMMUNITY SUPPORT FOR THE BERRIEN COUNTY PROGRAM WAS VERY STRONG BEFORE THE EFFORT. SINCE THEN THE COUNTY HAS RECEIVED A GREAT DEAL OF RECOGNITION FOR THEIR EFFORTS. THE BOARD OF COMMISSIONERS WAS CERTAINLY PLEASED.

PROGRAMS SUCH AS THESE ARE EXAMPLES OF WHAT FEDERAL FUNDING CAN DO. LOCAL GOVERNMENTS, WITH THEIR LIMITED TAX BASE, OFTEN CANNOT AFFORD THESE EXPERIMENTS. WHAT FEDERAL MONEY ALLOWS THEM TO DO IS TO DISCOVER WHICH PROGRAMS WORK AND HOW BEST TO INVEST THEIR MEAGER JUVENILE JUSTICE BUDGETS. THIS LEADERSHIP ROLE IS ONE OF THE MOST IMPORTANT THAT THE FEDERAL GOVERNMENT PLAYS. WITHOUT FEDERAL FUNDING MANY INNOVATIVE PROGRAMS WOULD NOT HAVE BEEN ATTEMPTED. ACCORDING TO NACo SURVEYS, LOCAL GOVERNMENTS TAKE ON RESPONSIBILITY FOR FUNDING MOST OF THE EXPERIMENTS ORIGINATED BY OJJDP FUNDS.

OF COURSE, MICHIGAN IS NOT THE ONLY STATE TO BENEFIT FROM THE JUVENILE JUSTICE PROGRAM. OTHER PROGRAMS AROUND THE NATION

THAT WERE ESTABLISHED WITH OJJDP FUNDS INCLUDE COUNSELING OF RUNAWAY YOUTH AND THEIR FAMILIES; SHELTERS AND OUTREACH FOR SEXUALLY EXPLOITED CHILDREN; PROGRAMS TO MATCH STATUS OFFENDERS AND DELINQUENTS WITH AVAILABLE LOCAL RESOURCES; PROGRAMS TO REMOVE JUVENILES FROM ADULT JAILS IN RURAL COUNTIES; RESTITUTION PROGRAMS; ASSISTANCE TO VICTIMS OF JUVENILE CRIME; PROGRAMS TO TRAIN COUPLES TO CARE FOR STATUS OFFENDERS IN THEIR HOMES; NEIGHBORHOOD CENTERS FOR YOUTHS; PROGRAMS TO FIND WORK FOR PRE-DELINQUENT AND DELINQUENT JUVENILES; DRUG TREATMENT PROGRAMS; AFTER-SCHOOL PROGRAMS FOR 8 TO 12 YEAR OLD CHILDREN CONSIDERED HIGH RISKS TO BECOME DELINQUENT; AND PROGRAMS TO PROVIDE EDUCATION, TRAINING AND EMPLOYMENT TO SERIOUS JUVENILE OFFENDERS.

NATIONWIDE EFFORTS IN REMOVING JUVENILES FROM JAIL

DESPITE THE VERY MODEST FUNDS APPROPRIATED UNDER THE ACT, AND THE RISE IN JUVENILE JAILING IN SEVERAL STATES, ON BALANCE, THE REMOVAL OF JUVENILES FROM ADULT JAILS IS CLEARLY ONE OF THE MAJOR SUCCESSES UNDER THE LEGISLATION.

PRESENTLY, OVER EIGHTEEN STATES HAVE PASSED LEGISLATION PROHIBITING THE DETENTION OF JUVENILES IN ADULT JAILS AND LOCK-UPS WHILE FIVE ADDITIONAL STATES ARE ACTIVELY PURSUING SIMILAR LEGISLATION.

THE FEDERAL INITIATIVE HAS HEIGHTENED NATIONAL AWARENESS OF THE PROBLEM AND APPEARS TO HAVE CREATED A MULTIPLIER EFFECT IN TERMS OF GENERATING STATE INVESTMENT.

SEVERAL YEARS AGO, THE ACADEMY FOR CONTEMPORARY PROBLEMS EXAMINED JUVENILE STATE SUBSIDIES IN THE U.S. THE STUDY FOUND THAT AS OF 1978 THERE WERE 57 JUVENILE JUSTICE SUBSIDIES IN 30 STATES WITH AN OVERALL DOLLAR VALUE OF 166 MILLION IN APPROPRIATED FUNDS. THE STUDY FOUND THAT HALF OF THE SUBSIDY PROGRAMS HAD COME INTO EXISTENCE SINCE THE PASSAGE OF THE JJDP ACT IN 1974.

WHILE NOT ALL OF THE SUBSIDIES ARE SPECIFICALLY DIRECTED AT JAIL REMOVAL, MANY ARE AND MOST SEEK TO DEVELOP COMMUNITY-BASED ALTERNATIVES TO INCARCERATION -- A NECESSARY COMPONENT FOR JAIL REMOVAL EFFORTS.

ONE OF THE MOST ENCOURAGING DEVELOPMENTS, TO DATE, IS THAT SEVERAL STATES INCLUDING PENNSYLVANIA, WEST VIRGINIA AND OREGON HAVE VIRTUALLY ELIMINATED THE DETENTION OF JUVENILES IN ADULT JAILS, WHILE OTHER STATES, INCLUDING COLORADO, TENNESSEE, MICHIGAN AND VIRGINIA, HAVE MADE SUBSTANTIAL PROGRESS. THIS PROGRESS IN RURAL AND URBAN STATES LENDS CREDENCE TO NACO'S CONTENTION THAT THE MANDATES NOT ONLY MAKE SENSE BUT ALSO THAT THEY CAN BE ACHIEVED. TO PUT IT DIFFERENTLY, WHERE THERE IS SUFFICIENT COMMITMENT AT THE STATE AND LOCAL LEVEL, THE ACT PROVIDES AN IMPORTANT CATALYST FOR CHANGE.

ONE VERY SUCCESSFUL PROJECT IN OUR VIEW SUPPORTED BY OJJDP SEVERAL YEARS AGO WAS THE NATIONAL JAIL REMOVAL INITIATIVE, A PLANNING AND EVALUATION PROJECT DESIGNED TO HELP RURAL JURISDICTIONS REMOVE YOUTHS FROM ADULT JAILS AND LOCK-UPS. STARTED IN 1981 WITH \$5.3 MILLION IN OJJDP GRANT FUNDS, THE

INITIATIVE INVOLVED 23 SITES IN 13 STATES. AT THE END OF THE PROJECT, AN OVERALL 55 PERCENT DECREASE IN THE NUMBER OF JAILINGS WAS REPORTED WHILE THE NUMBER OF YOUTHS PLACED IN SECURE JUVENILE DETENTION REMAINED VIRTUALLY THE SAME.

MR. CHAIRMAN, I AM ATTACHING A SHORT PROFILE ON THE PROGRAM AS AN APPENDIX TO MY TESTIMONY.

POLICE LOCK-UPS

ONE MAJOR PROBLEM AREA IN ANALYZING AND IMPLEMENTING THE JAIL REMOVAL INITIATIVE IS THE LACK OF CURRENT AND ACCURATE DATA ON POLICE LOCK-UPS.

ALTHOUGH THE FEDERAL GOVERNMENT HAS BEEN COLLECTING DATA ON LOCAL JAILS FOR THE LAST FIFTEEN YEARS, NOTHING COMPARABLE HAS BEEN DONE FOR POLICE LOCK-UPS. INDEED ALL THE PERIODIC NATIONAL JAIL CENSUS REPORTS CONDUCTED SINCE 1971 ALWAYS CONTAIN A FOOTNOTE INDICATING THAT THE REPORT EXCLUDES DATA FROM HOLDING AUTHORITIES WHICH HOUSE PEOPLE FOR LESS THAN 48 HOURS. THUS, THE MOST COMMON TYPE OF JAIL IN THE U.S. HAS ESCAPED NATIONAL PUBLIC ATTENTION. MOREOVER, THE LACK OF LOCK-UP DATA AT THE STATE LEVEL IS EQUALLY DEPLORABLE. IN A NUMBER OF STATES, I AM TOLD, NO DATA EXISTS AT ALL. YET "LOCK-UPS" ARE RELIABLY REPORTED TO HOUSE MANY THOUSANDS OF JUVENILES EACH YEAR AND WE KNOW MANY ARE IN VERY POOR CONDITION--FAR WORSE THAN JAILS. CERTAINLY EXPERTS HAVE COME TO AGREE THAT THE THREAT OF SUICIDE IS MOST CRITICAL DURING THE FIRST 24 HOURS OF CONFINEMENT.

NOT ONLY DO WE NOT KNOW HOW MANY JUVENILES PASS THROUGH LOCK-UPS EACH YEAR BUT WE HAVE NO CLEAR IDEA HOW MANY LOCK-UPS THERE ARE IN THE COUNTRY. ONE KNOWLEDGEABLE ESTIMATE PUTS THE NUMBER BETWEEN 10,000 AND 18,000--EVEN IF 10,000 TURNED OUT TO

BE THE CORRECT FIGURE, LOCK-UPS WOULD STILL OUTNUMBER JAILS THREE TO ONE . LAST YEAR AFTER I TESTIFIED BEFORE THIS COMMITTEE I ASKED THE NACo STAFF TO PURSUE THIS MATTER WITH THE BUREAU OF JUSTICE STATISTICS (BJS) AND I AM PLEASED TO REPORT THAT BJS HAS INFORMALLY ADVISED US THAT THEY PLAN TO REQUEST INFORMATION ON LOCK-UPS IN A FORTHCOMING SURVEY OF POLICE AGENCIES.

THE NATIONAL COALITION FOR JAIL REFORM HELD A SEMINAR ON THE SUBJECT LAST MONTH AT ITS ANNUAL MEETING AND PLANS TO RAISE THE ISSUE FOR POLICY CONSIDERATION IN LATE OCTOBER. I BELIEVE WE ARE BEGINNING TO SEE SOME MOVEMENT IN THIS CRITICAL AREA.

LET ME EMPHASIZE THAT THE ADMINISTRATION CANNOT CLAIM THAT THEY HAVE SOLVED THE PROBLEMS OF JUVENILES IN JAIL WHEN LOCK-UP DATA REMAINS A MYSTERY.

IN 1981 THE STATE OF MICHIGAN WAS AVERAGING 850 YOUNGSTERS A MONTH IN LOCK-UPS. BY 1985 THIS FIGURE HAD DROPPED TO 400 A MONTH. OF THE 15 SUICIDES THAT OCCURED IN JAILS AND LOCK-UPS IN 1984, IN MICHIGAN 53% OCCURRED IN THE FIRST 6 HOURS OF CONFINEMENT. IN 1983, FOR WHICH DATA EXISTS ONLY FOR THE FIRST 10 MONTHS OF THE YEAR, 10 SUICIDES WERE REPORTED. 60% OF THEM OCCURED IN THE FIRST 6 HOURS OF CONFINEMENT.

FINALLY, MR. CHAIRMAN, LET ME CALL THE COMMITTEE'S ATTENTION TO THE STATE OF MINNESOTA'S OUTSTANDING LOCK-UP REPORTING SYSTEM. I SUSPECT IT IS THE BEST IN THE COUNTRY. IT IS A VERY SOPHISTICATED TELETYPE SYSTEM THAT MANY STATES MAY WISH TO REPLICATE.

MINNESOTA'S SYSTEM WAS STARTED EXPERIMENTALLY IN 1979 IN FIVE COUNTIES AND WAS GRADUALLY PHASED IN STATEWIDE DURING THE PERIOD 1980-1981. NEARLY ALL OF THE 40 REMAINING LOCK-UPS IN THE STATE HAVE TERMINALS, ALTHOUGH A FEW STILL REPORT MANUALLY OR UTILIZE EQUIPMENT IN THE SHERIFF'S DEPARTMENT. THE DATA RECEIVED BY THE STATE ARE ANALYZED AND REPORTS ARE SENT BACK TO EACH AGENCY-PROVIDING THEM WITH A MONTHLY ANALYSIS OF MANPOWER AND SUMMARIES OF LOCK-UP USAGE. THE MASTER COMPUTER IN ST. PAUL WILL SOUND AN ALERT IF THE LOCK-UP IS HOLDING A JUVENILE LONGER THAN PERMITTED BY STATE LAW OR IF A CHILD IS UNDER 14, A VIOLATION OF STATE LAW. IT SOON WILL BE PROGRAMMED TO IDENTIFY PERSONS WHO ARE KNOWN TO BE SUICIDE RISKS. UNLIKE MOST STATES, MINNESOTA CAN PROVIDE ACCURATE DATA ON THE NUMBER OF JUVENILES IN LOCK-UPS. IN 1985 FOR EXAMPLE, 1,115 MALE JUVENILES AND 388 FEMALE JUVENILES WERE PROCESSED THROUGH MUNICIPAL POLICE FACILITIES. THEIR AVERAGE LENGTH OF STAY WAS .08 OF ONE-DAY OR LESS THAN TWO HOURS.

RECOMMENDATIONS

1. OJJDP'S EFFORTS IN THE PAST TO PROMOTE THE REMOVAL OF JUVENILES FROM ADULT JAILS HAS PRODUCED VERY IMPRESSIVE RESULTS ALTHOUGH ADMITTEDLY MUCH WORK REMAINS. YET THE MOST COMMON TYPE OF JAIL--THE POLICE OR MUNICIPAL LOCK-UP HAS FOR THE LAST FIFTEEN YEARS ESCAPED ADEQUATE SCRUTINY. NACo WOULD THEREFORE RECOMMEND THAT OJJDP TARGET THE REMOVAL OF JUVENILES FROM POLICE LOCK-UPS FOR SPECIAL EMPHASIS FUNDING, RESEARCH AND DATA COLLECTION EFFORTS.

2. DURING THE LAST SEVERAL YEARS THE UNCERTAINTY AND DISRUPTION CAUSED BY THREATENED CUT-BACKS IN THE OJJDP PROGRAM HAS HAD A DETRIMENTAL AFFECT IN FURTHERING THE OBJECTIVES OF THIS IMPORTANT LEGISLATION. IT IS NACO'S SINCERE HOPE THAT THOSE DAYS ARE OVER AND THAT THE STRONG BIPARTISAN COMMITMENT THAT HAS PREVAILED IN CONGRESS FOR SO MANY YEARS WILL GENERATE A NEW SPIRIT OF COOPERATION AND PARTNERSHIP WITH THE ADMINISTRATION. PERHAPS I AM TOO MUCH OF AN OPTIMIST BUT I BELIEVE THE LEVEL OF SUPPORT FOR THIS PROGRAM IS SO OVERWHELMING AND PERVASIVE THAT EVEN THE MOST RELUCTANT PARTNER CAN BE PERSUADED TO FIND BENEFIT IN THIS PROGRAM AND PLAY A MORE CONSTRUCTIVE ROLE.

3. FINALLY, MR. CHAIRMAN, NACO WOULD LIKE TO SUGGEST THAT WE NOT LOSE SIGHT OF THE PREVENTION ASPECTS OF THE JUVENILE JUSTICE AND DELINQUENCY PROVENTION ACT. IN DESIGNING THE LEGISLATION, CONGRESS SOUGHT THROUGH EARLY PREVENTION AND DIVERSION EFFORTS TO "INCREASE THE CAPACITY OF STATE AND LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE AGENCIES TO CONDUCT EFFECTIVE JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND REHABILITATION PROGRAMS," AND "TO DIVERT JUVENILES FROM THE TRADITIONAL JUVENILE JUSTICE SYSTEM..." THE IDEA, YOU WILL RECALL, WAS TO PROVIDE AN EMPHASIS ON PREVENTION. IN THE LAST SEVERAL YEARS THAT EMPHASIS HAS ALL BUT DISAPPEARED.

NACO WOULD LIKE TO SEE A RETURN TO EARLY INTERVENTION STRATEGIES AND IMPROVED LINKAGES BETWEEN SCHOOLS AND SOCIAL SERVICE.

RECOGNIZING THAT MANY TROUBLED YOUTHS ARE PASSING THROUGH OUR ELEMENTARY AND SECONDARY SCHOOLS WITH SERIOUS PROBLEMS UNDETECTED, AND WITHOUT ADEQUATE CARE OR ATTENTION, I WOULD RECOMMEND, MR. CHAIRMAN, THAT OJJDP, THROUGH ITS DISCRETIONARY GRANT PROGRAM, PROMOTE CLOSER LINKS BETWEEN SCHOOLS AND EXISTING LOCAL PUBLIC HEALTH AND MENTAL HEALTH AGENCIES. THE TIME HAS COME FOR US TO INVEST MORE HEAVILY IN THE FRONT END LONG BEFORE A CHILD COMES IN CONTACT WITH THE JUVENILE COURT.

juvenile justice and delinquency prevention

ERIC
Full Text Provided by ERIC

Jail Removal in the States:
Where Do We Stand?

Jail Removal in the States

Where Do We Stand?

Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act, as amended, stipulates that no youth shall be detained or confined in any adult jail or lockup. The jail removal provision of the Act represents an attempt to reduce the trauma associated with preadjudicatory detention, since studies and experience have shown that youths are more likely to suffer physical and emotional abuse when they are held in adult secure settings than when they are placed in secure juvenile facilities. In order to assist states as they work to attain the objectives of the Act, the Office of Juvenile Justice and Delinquency Prevention has provided formula grant money which can be used for removal planning and program development.

State officials have worked very hard in recent years to accomplish jail removal. Some, for example, have been able to design and implement innovative removal programs which have reduced juvenile jailings significantly. Others have relied on legislation which specifically prohibits juvenile jailings. But regardless of the strategy, programs continue to be developed and removal continues to progress.

The following pages summarize briefly the status of these removal efforts. Jailing data are reviewed in an attempt to determine the nation's overall rate of success, and some of the more innovative programs that have helped reduce jailings are highlighted. This information should give one a sense of the improvements which have been made around the country as well as the importance that creative planning has in solving juvenile jailing problems.

THE DATA

Despite the importance which jailing data play in understanding the removal problem, it is indeed quite ironic that so little of such data actually exists. Because of the sporadic nature of data collection efforts and differing definitions and collection periods between surveys, it is difficult to assess the actual national progress made in jail removal since the implementation of the JJDP Act. Although each participating state is required to collect jailing data in order to measure compliance with the Act, varying survey periods and techniques do not necessarily make the data comparable.

Yet a source of information does exist which, when carefully scrutinized, provides a gauge to measure the number of juveniles placed in adult jails around the nation. This source is the Bureau of Justice Statistics' periodic one-day census of United States jail inmates. Because the

census includes persons of juvenile status, one can make an educated guess as to how many juveniles are being held in jails, based on the BJS count of juveniles in county jails for the two most recent censuses conducted on February 15, 1978, and June 30, 1983. Although this database still has limitations (i.e., it cannot be extrapolated to represent a year, the definition of "juvenile" varies between states, and the census is a self-reporting survey), it does provide clues about the aggregate trend in juvenile jailings.*

Table One compares the data gathered from the 1978 and 1983 jail census. It appears that the actual number of juveniles jailed, according to the BJS one-day count, has increased slightly — by about eight percent, from 1,511 to 1,730. Yet such a strict interpretation of the data may be somewhat misleading. Together New York and Florida account for 36 percent of the 1983 jailings, and they show a 400 percent increase over their 1978 total. When their jailing figures are removed from the totals, there is actually a 26 percent decrease for the remaining states.

The reason for the drastic rise in juvenile jailings in New York and Florida is difficult to ascertain, but is probably tied to the number of juveniles tried in adult court in those states. The 1983 BJS *Jail Census* defines a juvenile as a person subject to juvenile court jurisdiction based on age and offense limitations of state law. Qualifying youths were thus still considered juveniles in the census even though state codes in New York and Florida allow the processing of certain persons under the age of majority in adult court. It is likely that the jailing increase was due to a larger number of youths being tried in adult court in these states. As legal adults, technically they could be held in an adult jail without violating the removal requirements of the JJDP Act.

It is clear from Table One that the number of jailings fluctuated across the country, with no region recording fewer jailings than another. Figure One standardizes the 1983 jailing rate according to juvenile population and shows that there were no regional biases. Interestingly enough, the states traditionally considered "rural" registered both high and low jailing rates (e.g., Idaho versus Nevada). Conversely, states with high urban populations are also represented at both ends of the scale. This seems to suggest that the rural areas, usually regarded as having the greatest jailing problems, have been able in some instances to reduce juvenile jailings significantly.

The BJS data also indicate that 28 of the 46 reporting states (61 percent) reduced their number of juvenile

*It should also be pointed out that the BJS data are not used by the states to indicate their progress toward compliance with the JJDP Act. In fact, the BJS study counts all juveniles detained in adult jails while monitoring data include only those juveniles who would represent violations of the Act (e.g., those held longer than six hours in a jail or lockup). Furthermore, the BJS *Jail Census* does not include lockups in its survey.

Table One

A ONE DAY COUNT OF JUVENILES IN ADULT JAILS

Region and State	1978	1983	Rank 1983	Percent Change 1978-1983	Jailings Per 100,000 Youths		Rank Per 100,000 Youths	
					1978	1983	1978	1983
Northeast	99	319		222				
Maine	6	18	24	300	2.5	7.4	24	12
Massachusetts	0	0	43	*	0	0	43	43
New Hampshire	8	6	37	-25	4.1	3.1	19	22
New Jersey	0	15	27	*	0	1.0	43	38
New York	84	277	2	230	2.4	7.8	27	10
Pennsylvania	1	3	40	200	0.1	0.1	42	42
North Central	515	338		-34				
Illinois	23	30	14	30	1.0	1.3	37	36
Indiana	152	133	3	-13	12.7	11.1	7	6
Iowa	10	11	32	10	1.7	1.8	33	28
Kansas	84	23	19	-64	13.7	4.9	5	18
Michigan	21	10	34	-52	1.0	0.5	37	40
Minnesota	13	13	29	0	1.5	1.5	34	31
Missouri	20	22	21	10	2.0	2.2	30	27
Nebraska	38	27	17	-29	11.7	8.3	9	8
North Dakota	1	7	36	600	0.7	5.1	39	17
Ohio	88	29	16	-67	3.8	1.3	21	36
South Dakota	23	6	37	-74	15.6	4.1	3	19
Wisconsin	62	27	17	-57	6.1	2.7	15	24
South	669	840		26				
Alabama	22	12	30	-46	2.5	1.4	24	33
Arkansas	57	62	6	9	11.5	12.5	10	5
District of Columbia	0	23	19	*	0	21.1	43	2
Florida	42	355	1	745	1.9	19.8	31	3
Georgia	9	1	42	-89	0.7	0.1	39	41
Kentucky	60	59	7	-2	7.5	7.4	13	12
Louisiana	15	6	37	-60	1.5	0.6	34	39
Maryland	0	36	11	*	0	4.1	43	19
Mississippi	68	16	25	-77	11.3	2.7	11	24
North Carolina	32	22	21	-35	2.5	1.7	24	30
Oklahoma	28	51	8	82	4.5	8.2	18	9
South Carolina	34	16	25	-53	4.8	2.3	17	26
Tennessee	61	30	14	-51	6.3	3.1	14	22
Texas	64	48	9	-25	2.1	1.5	29	31
Virginia	155	103	4	-34	13.9	9.2	4	7
West Virginia	22	0	43	-100	5.3	0	16	43
West	328	239		-27				
Alaska	1	3	40	200	1.1	3.3	36	21
Arizona	17	34	12	100	3.3	6.6	22	15
California	113	64	5	-58	2.4	1.4	27	33
Colorado	23	8	35	-65	3.9	1.4	20	33
Idaho	41	38	10	-7	19.2	17.8	2	4
Montana	20	11	32	-45	11.9	6.6	8	15
Nevada	16	12	31	-25	10.0	7.5	12	11
New Mexico	39	22	21	-44	12.8	7.3	6	14
Oregon	17	0	43	-100	3.2	0	23	43
Utah	1	0	43	-100	0.3	0	41	43
Washington	16	15	27	-6	1.9	1.8	31	28
Wyoming	24	32	13	33	23.9	31.8	1	1
United States	1611	1736		8	3.4	3.7		

*Not definable.

Jailings per 100,000 ... is the number of jailed youths per 100,000 5 to 17 year olds.
Data were unavailable for Connecticut, Delaware, Hawaii, Rhode Island, and Vermont

Source: BJS Jail Census

Jail Removal in the States

jailings, and 16 (or 35 percent) reported an increase. These figures are somewhat misleading, however, because certain states reported very few jailings. For example, Pennsylvania had an increase in jailings between jail censuses. However, the change was nearly inconsequential given the size of the juvenile population — one jailing in 1978 versus three in 1983. If we were to include all those states with a difference of two cases or less in our definition of "no significant change in juvenile jailings," then the number of states reporting increases is reduced to 11 of the 46.

The net reduction in jailings is summarized in Figure Two. From the map it is clear that jailing rate decreases are not concentrated in any single area of the country; rather they are found throughout. This is probably due to the fact that a large number of states have made jail removal a priority. Many state planning agencies have formed task forces, collected data, or devised action plans for removing youths from adult jails. Their efforts could well be reflected in the data.

But the BJS data also suggest that in many states efforts to reduce juvenile jailings have been stalled or are nonexistent. Although the reasons for the jailings cannot be determined from the BJS information, the placement of

juveniles in adult settings remains a major source of concern.

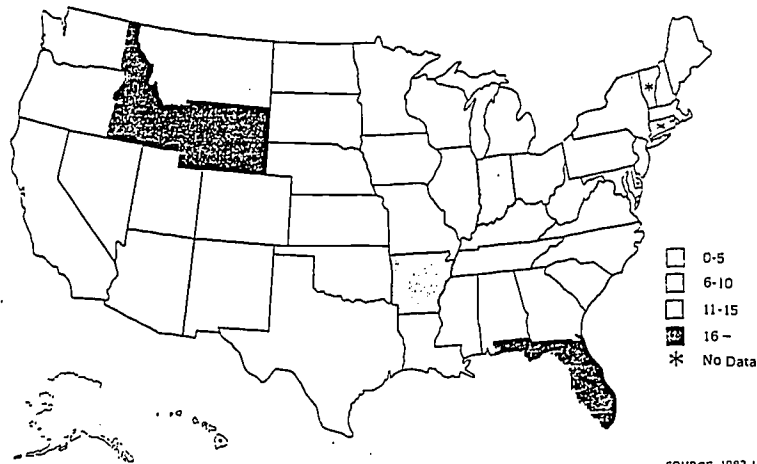
Still, based on what the census data show, it appears that juvenile jailings around the country are declining. A majority of states reported lower jailing figures for the 1983 census than they did in 1978. This trend continued as the December 1985 JJDP Act substantial compliance deadline approached, and participating states increased their jail removal planning activities in order to meet the deadline. Recently passed removal legislation in several states should also help reduce juvenile jailings even further. But although we can look forward to even greater progress, much remains to be accomplished before total success can be claimed.

STATE AND NATIONAL ACTIVITIES

Major reductions in juvenile jailings do not happen overnight. A state wishing to eliminate its jailing problems must generate a strong commitment to a removal

JUVENILE JAILINGS PER 100,000 YOUTHS (1983)

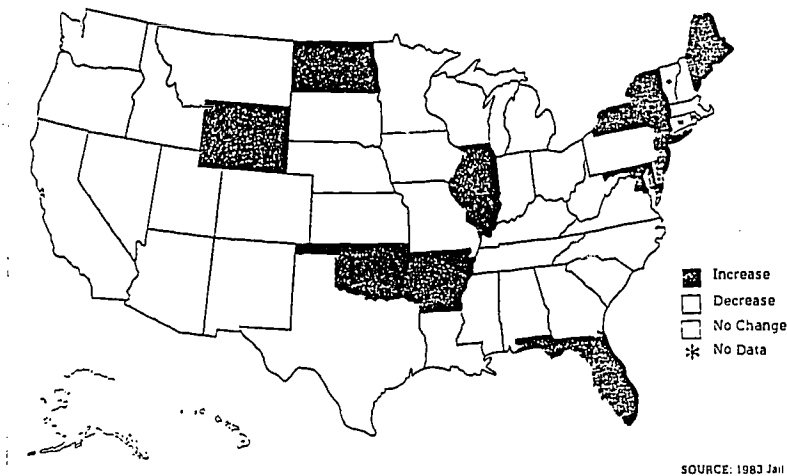
Figure One



Before the Initiative the participating sites had little access to either secure or nonsecure juvenile detention; they had no intake screening units, and they did not use specific and objective detention criteria. Once appropriate alternative services were established, however, many jurisdictions were able to reduce juvenile jailings significantly. Across all 23 sites, the number of jailings decreased by 55 percent (see Table Two); after adjusting for a decreased number of intakes, there still was a 45 percent decrease in jailings during Phase II. This decrease was doubly impressive considering that the sites did not simply substitute secure detention for jail to solve their jailing problems. The number of youths placed in secure juvenile detention remained virtually the same, and the net increase in secure detention placements — i.e., in the portion of youths entering the system that were placed in

The National Jail Removal Initiative (NJRI) was a planning and evaluation project designed to help rural jurisdictions remove youths from adult jails and lockups. In 1981 the Office of Juvenile Justice and Delinquency Prevention provided 23 sites in 12 states with a total of \$5.3 million to assist them in developing alternative placement settings. The sites shared several characteristics unlike to rural jurisdictions which had prevented removal plan development, including low population densities, limited use of secure and insecure alternatives, depressed local economic conditions, low tax bases, and lengthy transportation distances. Each site was awarded approximately

Figure Two



Jail Removal in the States

secure detention — rose from seven percent preceding the Initiative to eight percent afterwards.

Perhaps the most encouraging outcome of the JRI, however, was the fact that the overall decrease in secure placements (both jail and secure juvenile detention) was accompanied by an increase in nonsecure placements and outright release. Apparently intake workers felt that with appropriate alternatives available, many of those youths previously jailed could be better served in a less restrictive environment. It was also clear that before the Initiative many youths were held in secure custody simply because local officials felt they had to do something — and there were no other options available.

By the end of the Initiative's reporting period, eight of the sites had achieved 100 percent removal. Of the remaining 15, all but one had some degree of success, with juvenile jailings decreasing by 23 to 98 percent over pre-Initiative figures.

There are many reasons for the varying degree of success achieved by the participants. The sites that accomplished total removal, however, shared a few common characteristics, one or more of which were missing from the programs of less successful jurisdictions. For example, the sites achieving total removal established fully functional intake screening units where trained personnel used specific and objective detention criteria to determine appropriate placements. Whenever intake workers made all placement decisions, the site was able to reduce the number of inappropriate placements and control admissions to jail and/or alternative services. The intake criteria they developed also reduced the degree of subjectivity used in making detention decisions, while still allowing enough discretion for intake workers to choose the least restrictive setting. As a result, these sites usually made fewer secure placements, while at the same time increasing the number of nonsecure placements and releases.

Yet some sites with 24-hour intake centers were still unable to control placements because they lacked full cooperation from law enforcement. The intake unit was designed to relieve law enforcement agencies from the responsibility of making detention decisions. Many times, however, local law enforcement would contact intake *after* they had put a youth in jail. Consequently, even though a site's intake unit was fully functional and local police were aware of its role in the initial screening process, for one reason or another juveniles were still being jailed. As a result, many projects were less than completely successful despite the fact that local officials had carefully planned and implemented a number of alternative programs and services. It became clear right from the start that total control over the initial placement decision was the single most important contributing factor to a jail removal program's success.

Availability of secure juvenile detention, whether on-site or through purchase-of-care agreements, was

another integral component of a successful removal plan. The Phase I needs assessment usually indicated that a certain portion of each jurisdiction's intake population would be eligible for secure detention. Unfortunately, the sites that had no access to a secure juvenile detention center or other acceptable alternative were forced to place serious offenders in the local jail or lockup.

But even for those sites with access to secure detention, removal plans were incomplete without a core of alternatives. Most participating jurisdictions had very few placement options to choose from before the Initiative. Consequently, during Phase I local officials carefully planned and negotiated a number of regional service agreements which substantially expanded each site's limited resources. The project's success in this area is summarized in Table Three, which shows, for example, that before the Initiative only five sites had access to nonsecure alternatives. By the end of the JRI, however, nonsecure options were available in 20 of the 23 participating sites.

These features formed the basis of all well-planned removal efforts and were common to all successful sites. Other aspects of successful programs included (1) a set of written policies and procedures to guide decision-making throughout the juvenile justice network; (2) close monitoring of the plan and placement decisions by local planners; and (3) active community support in the form of ample local funding and the participation of leading community members and police and court officials in program planning. Sites who neglected any of these features were generally less effective than desired in meeting their goals.

It became clear right from the start that total control over the initial placement decision was the single most important contributing factor to a jail removal program's success.

Programs for removing juveniles from adult jails are often resisted by local citizens and public officials who are concerned for the safety of the community. Their fears are based on the idea that juveniles previously locked behind bars will be turned loose to continue delinquent behavior before adjudicatory and dispositional action is taken. Yet results from the JRI indicate that these fears are not well grounded. For example, the predispositional rearrest rate, used during the JRI as a measure of the increased threat that release poses to the community, actually decreased from 3.9 percent to 2.1 percent of all intakes. The threat to the court process as measured by the rate of failure-to-appear for hearings was also negligible. In fact, despite the increase in nonsecure placements and releases, the failure-to-appear rate remained virtually the same — 2.6 percent prior to the JRI versus 3.0 during it.

Many officials involved in the Initiative were also concerned that the number of inappropriate placements

The National Jail Removal Initiative
CHANGES IN JAILING RATES

Table Two

Placement Setting	Preceding Initiative*		During Initiative**		Percentage Change	Adjusted Change***
	Number	Percent	Number	Percent		
Adult Jail	8,955	32.5	4,029	18.0	-55.0	-14.6
Secure Juvenile Detention	1,815	8.8	1,825	8.1	+0.5	-19.5
Total Secure Placements	10,770	39.1	5,854	26.1	-45.6	-36.9
Nonsecure Detention	707	2.8	2,407	10.7	+240.4	+31.3
Release	16,040	58.3	14,118	83.1	-11.9	-5.2
Totals	27,517		22,379		-18.7	

*January 1, 1980-December 31, 1980.

**July 1, 1982-June 30, 1983 — the last four reporting quarters of the JRI.

***Presents percentage increase or decrease after adjusting for the decrease in intakes.

The National Jail Removal Initiative
ALTERNATIVE SERVICE NETWORK

Table Three

Type of Service	Number of Sites with Capacity	
	Pre-Initiative	Initiative
24 Hour Intake Screening and Criteria	1	23
Crisis Intervention	1	23
Secure Juvenile Detention:		
Facility	7	10
Intensive Supervision in Shelter	0	5
Attendee Program in Shelter	0	1
Attendee Program in Jail	0	1
Shelter Home	9	20
Emergency Foster Care	7	9
Home Detention	0	3
Multi-Service Center (intake, court, shelter, crisis hold)	0	8
Alcohol, Drug Program:		
Counseling	2	5
Detox	1	4
Transportation	4	23
Intensive Supervision	0	23

Jail Removal in the States

would increase as youths were transferred from jail to the newly created alternatives. This practice, dubbed "net widening" by researchers and planners, did in fact occur in several Initiative jurisdictions, but not to the extent originally feared. Overall, the number of inappropriate detentions dropped during the JRI, except for nonsecure settings. But the rise of inappropriate placements was probably less due to unwise placement practices as much as to the fact that nonsecure placement options were twice as available as they were before. Before the JRI, placement officials often did not have the opportunity to use nonsecure detention. Whether the placement was appropriate was beside the point. Apparently once the alternatives were established, it was deemed better to hold a youth occasionally in temporary nonsecure detention pending further arrangements than to place that same person in an adult setting. Therefore, while net widening did technically exist, the burden on the system which often accompanies the practice did not materialize.

The Initiative concluded in 1984, but many sites sought funding to continue providing alternative pretrial services and programs. Fortunately many were successful, and as a result a large number of sites were able to offer alternatives to adult jail beyond the JRI's termination.

The JRI also became a catalyst for longer-term removal efforts in many states. The lessons learned during the Initiative, both by participants and OJJDP were useful in planning similar or expanded programs. Perhaps the most useful and significant of these was that the idea of secure detention need not be the only alternative to adult jails. Most of the juveniles being placed in adult facilities do not require intensive security and can better served in less restrictive settings.

Pennsylvania

In the mid-1970's the State of Pennsylvania had a serious jailing problem: as many as 3,600 juveniles were being jailed in a single year. After State justice planners began active removal planning, however, the State quickly became a leader in complying with the Act. By the mid-1980's the number of annual jailings had been reduced to none.

A key to the State's success was early passage of jail removal legislation. In 1977 the Pennsylvania legislature passed a law which prohibited the holding of juveniles in an adult jail or lockup. The law was a valuable tool for those who wanted to convince local officials that the State was sincere about removal.

After law was passed, however, local planners, sheriffs, and justice officials were not left to struggle with the removal issues by themselves. Instead, State Personnel worked closely with local officials to develop regional removal plans that took maximum advantage of the State's limited resources. For example, the plan called for

the development of a network of community-based alternatives such as emergency foster care, rather than relying on adult jail for temporary placement. In areas that lacked their own juvenile detention facilities, the plan called for a transportation system so that local officials could arrange to send their more serious offenders to an appropriate secure juvenile facility nearby.

To provide an incentive for counties to increase their reliance on alternatives to secure detention, State reimbursement for pretrial detention is placed on nonsecure settings. For example, 50 percent of a county's cost for detaining a youth in secure detention is reimbursed, while 90 percent of shelter care is reimbursed. Although home detention is not reimbursed, its daily cost is only one-quarter that of the reimbursed secure detention rate. Obviously it is cheaper for counties to rely on the least restrictive alternatives.

The study showed that jail removal did not cause serious overcrowding problems for detention facility administrators, and that after implementation, attitudes toward the new program changed dramatically from resentment to acceptance, and even outright enthusiasm. Also, the study indicated that economic factors (specifically, the way the program was funded) were a key to the jailing reduction.

An unanticipated result of the plan was the effect on juvenile secure detention placements. Not only did jailings decrease to none, but secure juvenile detention was also down by about 30 percent. Even though secure juvenile detention was a major component of the plan (three new facilities were built and four were renovated), discretion by placement officials and the incentives provided by the funding mechanism combined to reduce substantially all use of secure detention. In fact, two of the juvenile facilities have been closed because of reduced demand.

A study was conducted by Virginia Commonwealth University to examine what effect the jail removal program in Pennsylvania had on the entire State's juvenile justice system. One question raised in the study was whether existing facilities became overcrowded as a result of the new policy prohibiting jailings. Officials were also concerned whether or not local officials would resent the transportation network and general regionalization of services. The study showed that jail removal did not cause serious overcrowding problems for detention facility administrators, and that after implementation, attitudes toward the new program changed dramatically from resentment to acceptance, and even outright enthusiasm. Also, the study indicated that economic factors (specifically, the way the program was funded) were a key to the jailing reduction.

Michigan

Michigan had a serious problem with pretrial placement in the State's Upper Peninsula region. A lack of secure detention services and lengthy transportation distances meant that hundreds of youths were being jailed each year. However, only about one-half of those jailed were held longer than 24 hours. In fact, careful scrutiny of the 1981 detention data revealed that only about 23 percent of those being jailed required any sort of secure detention, with most needing only short-term supervision. Based on these findings, the State decided to implement a series of regional alternative services to provide low cost predispositional custodial care.

The major components of the system were the nonsecure holdover network, a home detention program, and transportation services to a regional detention center downstate. The nonsecure holdover network was developed because of the short length-of-stay for many Upper Peninsula cases. The holdovers provide a short-term custody option (up to 16 hours) for youths requiring placement pending their preliminary hearing. Counties wanting to set up a holdover need only designate a room in an existing public building where youth attendants could provide the necessary supervision. Once the holdover location is approved, the county will be reimbursed for the cost of the holdover attendant's wages.

If the court decides after the preliminary hearing that only a limited amount of supervision is needed to insure the youth's appearance at the dispositional hearing, then a youth may be returned home to be supervised by "quasi volunteers" under a home detention contract. Under this alternative program, the volunteer home detention worker makes daily contact with the youth, his or her parents, school officials, etc., to make sure that the terms of the contract are being fulfilled. Supervisors are paid ten dollars for each day they are directly providing such services.

Individuals accused of certain violent personal felonies, on the other hand, might require placement in secure detention. But rather than make a long-term jail placement, the Michigan plan provides for transportation of such youths to an existing regional detention facility in the Lower Peninsula's Genesee County. Eligible youths are transported to the Mackinaw Bridge which links the Upper and Lower Peninsula. A van from the Genesee facility meets the youth at the bridge and returns him or her to the detention center — approximately 180 miles to the south. The same system is used to return youths to the Upper Peninsula.

Counties are charged \$137 per day for use of the Genesee detention center. Because the State reimburses only 50 percent of this daily rate, this service is reserved for the more serious offenders who cannot be served by alternative programs. The fact that other services are fully

reimbursed by the State has encouraged Upper Peninsula counties to expand the use of less restrictive alternatives — a practice which also produces significant cost savings.

This regional alternatives program has been quite successful to date. Statistics compiled by the Michigan State University School of Criminal Justice indicated that prior to plan implementation about 24 juveniles were jailed in the Upper Peninsula each month. Twelve months after the alternatives were initiated, the monthly rate had averaged about six, and it has remained at this level as programs were expanded into Northern Lower Michigan.

The Michigan solution has proven to be cost effective as well. Figures tabulated in 1982 showed that only 15 percent of \$66,000 allocated to the program was actually spent. In other words, only \$10,000 was required to reduce juvenile jailings by 83 percent. Last year the State spent about \$50,000 on direct service care (holdover network, home detention program, and training for holdover attendants and home detention workers) in the Upper Peninsula. This averages about \$345 per child, or a daily rate of \$35.88, to run the entire jail alternatives program in the Upper Peninsula.

Tennessee

When the JJDP Act was amended in 1980 to require the removal of juveniles from adult jails, the State of Tennessee had serious predispositional detention problems. Its adult jails were used extensively for detaining delinquents and status offenders, and occasionally status offenders were even being placed in secure juvenile detention. Because of these problems, legislation was passed to make it illegal to hold juveniles in county jails or lockups after January 1, 1985. Detention criteria were also formulated to insure that all detention decisions were made according to specific and objective guidelines. However, no money was attached to the legislation. A study committee was appointed instead to determine the steps necessary for accomplishing the goals established by the legislation.

A needs assessment concluded in 1984 showed that several components should be added to the State's juvenile justice network in order to effect the changes required to accomplish jail removal. For example, it was clear that the state needed to expand its nonsecure intervention services. Before the legislation was passed, many counties lacked the ability to provide intake or nonsecure intervention services simply because a significant number of county juvenile courts lacked adequate staff. Obviously, jail removal would be difficult to accomplish without a sufficient number of juvenile officers available in each county to assist in making detention decisions. State justice program planners also realized that they needed to increase the total number of available bedspaces in secure

Jail Removal in the States

facilities. Often juveniles eligible for secure detention were placed in jail because adequate bedspace was not available or transportation to an appropriate setting could not be arranged immediately.

The needs assessment also indicated that a large portion of those juveniles held were detained for only a very short period. About 80 percent were released from jail within 72 hours and more than 60 percent were released within 24 hours. This information was instrumental in the decision to expand secure detention by creating short-term secure holdovers. The holdovers are designed to provide nonsecure or secure detention on a round-the-clock basis. Space for the four-room settings is found in existing buildings and the holdovers are staffed by on-call personnel who have been trained by the State to provide the necessary supervision. They are used only as needed.

Based on the findings and recommendations of the study, the Tennessee legislature allocated \$800,000 for capital development of secure detention centers and temporary holdovers. Because holdovers represent a new type of placement setting, standards were also developed for their design, program, and staff requirements.

Although data have not yet been collected to measure the total impact of the Tennessee plan, State Justice officials expect to be able to claim significant reductions in juvenile jailings for the next JJDP Act reporting period. In the final analysis, perhaps the most interesting aspect of the Tennessee experience was the State's ability to react quickly to the legislation and develop a comprehensive removal plan in a limited amount of time.

Virginia

In 1980, Virginia had one of the highest juvenile jailing rates in the country. Although several juvenile detention centers had been built in the State, they were not being used for detaining serious juvenile offenders because local officials feared that they wouldn't provide adequate security. Consequently, such offenders were being placed in jail. There was also a certain amount of resistance to the idea of sending juveniles to the state's Department of Corrections; judges preferred to keep youths needing secure detention under local control, and thus adult jails were often used to circumvent DOC placements. Because of these practices, delinquent and nondelinquent youths (including runaways) were being jailed.

State Justice program officials concentrated their efforts on working with judges and citizen groups (e.g., the Parent-Teachers Association) to heighten awareness of the jailing problem and develop solutions. The Virginia Crime Commission and the Virginia Department of Criminal Justice Services conducted major surveys which

indicated that many jailed youths could be better served in alternative settings.

The data collected from the surveys and the recommendations for action were passed on to the legislature. As a result, in 1985 provisions for jail removal which represented the cooperative efforts of State officials, judges, intake workers, sheriffs, and citizens became State law. Included in the package was a stipulation that no juvenile shall be placed in an adult jail or lockup, and specific and objective criteria were designed to give intake workers some guidance in their placement decisions. As a compromise measure, State judges were also given the authority to use detention facilities for sentencing purposes. This provision would insure that the court could retain local control over dispositional decisions without using adult jails.

These efforts have meant that the State has achieved significant success in jail removal. However, State officials are still searching for ways to use existing alternative resources efficiently, and they hope that with regionalization, a key plan component, further reductions in jailings will soon occur.

Colorado

Data collected for calendar year 1981 revealed that approximately 6,000 juveniles were placed in Colorado's county jails. Because of obstacles such as the rural nature of many Colorado counties, a lack of appropriate alternatives to jail (especially secure juvenile detention), and lengthy or mountainous transportation routes, many youths were being detained in adult facilities. Yet even with these problems, Colorado had achieved a 66 percent reduction in jailings by 1984.

The method used to achieve this reduction was based on the theory that it is more economical for rural jurisdictions to operate on a regional rather than on a local basis. This idea — i.e., the idea of regional detention services — plus the Colorado Sheriffs' Association's active participation in the program, were keys to the jail removal program's success.

Distance to existing juvenile detention centers presented a significant problem for planners. The five centers were located roughly on a line stretching north and south across the Eastern Slope of the Rocky Mountains. To get to these centers, Eastern counties had to travel up to 300 miles one way, while Western counties were forced to cross hazardous mountain passes, which significantly increased travel time, especially in the winter. Recognizing the need for appropriate predispositional detention and the usefulness of a regional network, the Colorado Sheriffs' Association came forward with a solution. The

CSA plan offered to set up a transportation network which would use off-duty police officers to transport juveniles to and from existing detention centers. Counties would be reimbursed at a rate of 20 cents per mile for the transportation, plus the cost of the transporting officer's time, through the Colorado Sheriffs' Juvenile Jail program.

Besides the transportation network, each county also developed a set of intake screening criteria in order to ground detention decision-making in an objective process. Trained intake screeners who represent the local juvenile court consult these criteria at each referral. Through strict observance of the criteria, access to intake, the transportation scheme, and a commitment to choose the least restrictive placement setting, Colorado officials have been able to reduce jailings significantly.

In 1984 Colorado completed a study to determine the steps necessary to achieve complete removal and its associated costs. It appears that to remove the final 2,000 youths still being jailed annually, local courts are going to have to (1) hold more firmly to the principle of choosing the least restrictive placement setting, and (2) develop a network of holdovers for rural or mountainous counties. At least one new juvenile detention center may be constructed in Western Colorado as well.

Perhaps the most interesting aspect of the Colorado initiative is the active role that the Sheriffs' Association has taken in jail removal activities. The CSA has been involved throughout the removal planning process in devising planning strategies, developing standards, and working on revisions of the State Code. Their activities are an excellent example of how one sector of the juvenile justice network can effect improvements in predispositional detention services throughout an entire state's system.

Additional State Activity

As the December 1985 deadline of the JJDP Act approached, many states stepped up their efforts to meet the Act's substantial compliance requirement. Missouri, for example, recently passed legislation prohibiting the placement of juveniles in adult settings and is now stressing purchase-of-care agreements for counties that lack secure detention facilities. Studies have indicated that many secure beds are available in existing facilities, beds that could be put to use if the necessary agreements were contracted.

Arkansas has reduced jailings by approximately 35 percent, but still needed to remove an additional 40 percent by December in order to meet the substantial reduction requirements of the Act. Their strategy had been to focus an intensive education campaign on the State's juvenile judges, intake personnel, and probation officers. The campaign was designed to persuade these

professionals to support removal efforts. Arkansas officials have also stressed using the least restrictive alternative and purchase-of-care/transportation arrangements when feasible.

Iowa has responded to the JJDP Act's removal requirement by sponsoring a major survey of the juvenile justice system this past summer. Officials are conducting a needs assessment to measure the effects of placement criteria and determine the number and location of secure bedspaces. Also, state planning officials are carrying out an opinion survey of juvenile system personnel on the topic of jail removal. The State Ad Hoc Juvenile Committee hopes to take their recommendations, which will be based on the results of the survey, to the legislature this winter to secure funding for developing alternatives.

Overall, 18 states have passed legislation prohibiting the detention of juveniles in jails and lockups. At least five additional states are working on the passage of similar legislation, and other states are expected to follow their lead and develop state laws requiring jail removal soon. These examples are clear indicators that jail removal remains a serious concern and that much planning and legislative action has been undertaken in response to Sections 223(a)(12)(13)(14) and (15) of the Act. But state planning agencies have not been alone in their efforts to improve predispositional detention services. Many national organizations directly involved in the juvenile justice network such as the National Association of Counties, the American Bar Association, the National Council of Juvenile and Family Court Judges, the National League of Cities, and the American Correctional Association, have endorsed jail removal as well.

Yet despite these clear indications of progress, the placement of children in adult jails remains a serious moral and legal problem in this country, one that has not been solved. Additional planning, education, and legislation will be required to push the number of youths jailed each year toward zero.

Profile is published by the Community Research Associates under contract number OJP-85-C-007 awarded by the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice. Points of view or opinions stated in this document do not necessarily represent the official position of the U.S. Department of Justice.

Mr. KILDEE. Thank you very much.

I want to pursue, both now and later, this whole question of police lockups, because they are so ill defined and I imagine they vary in nature around the country. The mix of people in that police lockup, I am sure, varies greatly around the country.

I am sure that there can be many instances where youthful offenders or youthful status offenders are put into a place where they are with adults and could suffer serious danger.

Having been a schoolteacher, I do concur with you that for anyone those first 6 hours are ones where they have to confront themselves, especially if it is the first time they have come into contact with the law enforcement community, that they confront themselves, and very often have to confront themselves in a situation where they have little help to work themselves through that situation in that police lockup.

So, I will follow your advice and we will assiduously work on how we at the Federal level can help alleviate that problem. I appreciate you bringing that to our attention.

I am going over now to vote, and you can take a seventh inning stretch. I will be right back and we will have some questions. Thank you very much.

[Recess.]

Mr. KILDEE. The subcommittee will reconvene.

Judge Quinn, have you finished your testimony?

Judge QUINN. Yes; I have, Congressman.

Mr. KILDEE. Thank you very much. I appreciate your testimony and, as I mentioned, we will take special note of your statement on the police lockups. I think it is an area where we want to do a very thorough search, research on this, and come up with some solutions that we might apply on the Federal level, perhaps within this very act itself.

Judge QUINN. Yes. Minnesota, apparently, has a very good—a tracking system of kids in the lockup situation, even to the point of trying to identify those who have exhibited suicidal tendencies. And Mr. Murray and Mr. Wilhelm would be happy to put you in touch with that person, in case you felt the need.

Mr. KILDEE. We will pursue that. I appreciate that very much.

Some questions. Pat, you mentioned that you reject the claim that the Office of Juvenile Justice and Delinquency Prevention has met its objectives and should be terminated. That is not shared by those who run the office, of course.

For the last 5 years, they have asked for zero funding for that office and that the office be abolished.

I would myself, obviously, concur with your statement, that you reject that claim.

I would like to have some comments from you and others as to why this office still plays a very important role?

Mr. LOUGHRAN. Thank you, Mr. Chairman. One of the things I did mention in my testimony is the danger I see of not having an Office of Juvenile Justice and Delinquency Prevention, in the areas of delinquency prevention we have noticed that—we run the pre-trial services in our State, as well as the programs for those who have been adjudicated and committed to the department.

Two-thirds of the youth in a sample that we took of 600 youths in 6 months time, two-thirds of the youths who are held in DYS pretrial detention by the courts were not subsequently committed to the department, which indicates to me that many judges are using it to get services for kids who are not really very, very delinquent, but they are youths who really need services and they need delinquency prevention programs. And these youths are beginning to slip into the pretrial detention system, which is for delinquents, and also are being committed for very, very light charges.

And I think it is because there is the dearth of delinquency prevention efforts and very, very little money, actually, comes to the State from the office. It is about \$1 million a year for the entire State.

And I think that the office really needs to redouble its efforts around delinquency prevention, because even with the numbers declining in the State, there are youths with very, very serious family problems that seem to be coming to the attention of the courts, who could really be dealt with outside of the court jurisdiction.

Mr. KILDEE. Yes, Mr. Schwartz?

Mr. SCHWARTZ. Mr. Chairman, also I think another reason why the Federal effort is still needed is because of the jails. We still in this country have many thousands of children being held in adult jails, and I think the Bureau of Justice Statistics studies show that. You know, even despite the fact that a number of States have made very significant progress, that there still persists in many a major problem in many, many States.

And in fact, many legislators and Governors' staffs and others all see that this issue is probably one of the most troublesome of all, because of the potential for litigation, particularly in light of the high risk that the young people have when they are placed in jails in terms of suicide and what have you.

And also, basically, moving away from the Federal level has really been a significant disincentive for many States and has not provided the technical assistance that they need.

Even in my home State of Minnesota, while I agree with Judge Quinn that we have this excellent reporting system, I am sad to say that we continue to house in Minnesota over 3,000 juveniles in jails and lockups, more than 1,000 in police lockups in the State.

And Minnesota's effort has been stalled, as has many States, because of the lack of emphasis at the Federal level. And I think this is an issue that has to be dealt with.

We also had a situation recently in one large State where more than 1,000 infant and childhood defendants were being housed in the fourth floor of the city jail in a very large county, a practice that I did not know was still going on in this country.

So, we have a lot of work to do in this area, and I think the Federal Government, you know, in playing a significant role, has obviously had a major impact, but we have a long way to go.

Hopefully, by the end of this decade it would be nice to be back before this committee to say that we have ended the practice of jailing children in this country.

Mr. KILDEE. Two of the charges that the office has is to give technical assistance to the States and to also help in the dissemination

of programs, the knowledge of the programs that have worked, like in the three States that are presented here today.

How vigorous do you find the Office of Juvenile Justice and Delinquency Prevention in giving technical assistance to the States now? Do you find a degree of real commitment in that office? Or a lack of commitment? Would you care to comment on that? Mr. Schwartz.

Mr. SCHWARTZ. It is sort of a double-edged sword. I mention in my testimony that one of the problems or issues that I raise is that the office in many cases is not viewed as a credible resource.

Let me give you a concrete example of that.

Right now the State of Colorado is in the process of going through a major reform of its youth detention and corrections system. Major legislation was passed and recently signed by the Governor.

In conversation that I had with a member of one of the criminal justice committee in the legislature, who attended one of our seminars, about their reform efforts, I asked whether or not they were getting assistance from the office.

This legislator told me that he did not want to invite representatives from the office to the State, he felt that they had little to offer, that they engaged in overkill, and felt that if anything it might derail their efforts to reform the system.

Being a former administrator of the office, I find that to be extremely hard, to hear from an elected public official who is struggling to try to bring about reforms in his State.

Fortunately, they were able to do it, but they literally had to do it on their own. And that seems to me to indicate that we have moved quite a ways away from doing what one of the major purposes of this legislation was all about.

Mr. KILDEE. Has the office in any way sent out the message that they really aren't that concerned anymore in the area, for example, of jail removal, that that is not a real high priority within the office?

Mr. SCHWARTZ. Well, I think—you know, I don't want to dominate the discussion here, but even I think before this committee a couple of years ago in testimony, the administrator indicated that as part of the justification for abolishing the office, that the objectives had been received or achieved and that the issue of jail removal would continue whether the office existed or not.

That is not the case. Many States, particularly in the Midwest, and in other parts of the country, those efforts have stalled, and I think this is very unfortunate.

If that would be the case, I think we would have seen much more progress than we have to date.

Mr. KILDEE. Pat.

Ms. CUZA. I do have a comment to make. I would agree with Ira on the policy level. But being a program director myself and having a number of people under me, I do want to say that the staff person, which is down below the policy people, far down, makes every attempt to keep in touch, to be responsive to all of our phone calls.

That is a very different—I think that is different from what you are asking.

If you are asking about the policy aspect, yes, I would agree with Ira. There are good people on the staff there. I think some of them have been hampered, just as the boss, when I say we are going to do this, by God, and if any of my staff members don't do that, heads will roll.

But on a personal level, when you are talking about phone calls being answered, if we make the request, the staff at that lower level will try to be responsive.

But, quite frankly, I don't ask, for the very same reason that the other legislators—we look at the act, we know what we are doing in Michigan, and by God we think we are doing a good job and we are going to do it our way.

So, in that respect, I would say that the office has not been responsive, but I think I have to temper it by saying that given the policy direction, it is not something that I am going to waste my time on.

Mr. KILDEE. It is strange that in a number of agencies here in Washington in the last 5 or 6 years, that the people who have been put in charge of the agency have been charged by those who put them in charge with closing the agency down.

It has not happened yet in the Pentagon, but in some of the other agencies it has happened.

Ms. CUZA. Could we encourage them?

Mr. KILDEE. It is interesting, really, because you don't find on the policy level, that level of belief, or that degree of belief or commitment. I concur, there are people over there on the staff level who are very sincere, very hard working and are, despite policy changes or lack of policy or even the policy of closing the agency down claiming that they have met their objectives, that they still are concerned with kids, and that is really what the agency should be all about, is kids.

Ms. CUZA. Could I go back to your previous question? I think when we look at the act, as I said, I think some people are saying we have met our goals, we should declare victory and leave the field.

Well, we may have met—I am not saying that we have met, but we may have, by identifying deinstitutionalization and jail removal initiatives in that act, and all of us are trying very hard to comply with the mechanics of that act in making sure that we can keep getting our money. But that is only, I would say, about a third of the way, if you are looking in terms of the long-term battle.

Because what we know have done, we have used that money and, as I referred to our diversion study where we had this long term study about seeing what really works, do we keep them in the system with court processing, the warn-and-release-to-parents, or do we try some kind of a diversion model.

Those things are very time consuming, they are very expensive. We set up the three diversion models and what we found out was that only one of them worked. The other two didn't make any difference.

Now, what you are telling us, if you take away that money, we have invested a lot of money, we have invested a lot of time, and we have some valuable, valuable evaluation here that should be

passed on, not only to other programs in Michigan but to other programs around the country.

If you cut off funding, that study goes on a shelf and even though we could then use it to develop other programs, without that seed money local communities are not going to take that one model that was successful to replicate it.

So, what you are now doing is saying, gee, it is a good job, isn't that wonderful, you found some of these programs. But I am telling you as a staff administrator, those things don't get carried on unless we have that seed money from the Federal Government.

Mr. KILDEE. And that is truly their charge. Their charges are to give technical assistance and also to help disseminate knowledge of those programs that have been effective.

The program in Utah is very impressive to me.

On that point—you don't have to answer this, but if you had to label Utah as being a liberal or conservative State, which one of the labels would you use?

Mr. STROMBERG. Well, Mr. Chairman, I don't think there is any State more conservative.

Mr. KILDEE. OK. You make my point. So, this is a conservative issue, then, this is really what is effective, what is humane, right?

Mr. STROMBERG. Yes; I think my feeling is, and I think it is demonstrated if you look maybe at Massachusetts and Utah as two examples, that really it is beyond politics, that taking care of our youth in a good way, in a humane way, is above, beyond, however you want to say it, a political issue. I really believe that.

Mr. KILDEE. Really, I am very happy to hear the comment there, because I think it is. It is above, I think, even the traditional liberal or conservative ideology. It is really what is humane and what is effective.

Now, I think that the traditional liberal and the traditional conservative have generally started out with an idea that there is great importance in human dignity, and then they may arrive at different conclusions as to how to support that human dignity. I have dealt with very dear conservative friends, and they have had a high regard for human dignity, and liberals start out with a high regard for human dignity.

So, I think it transcends even the liberal/conservative ideology, that this is a human being, with enormous dignity, and let's see how we can respect that dignity and do it in a very effective manner.

I think Utah has certainly shown how it can be done out there with the conservative tradition.

Mr. Tauke.

Mr. TAUKE. Thank you, Mr. Chairman. I am sorry that I have many things going on this morning and was not here to hear all of your testimony, and perhaps more importantly hear the questions from you, Mr. Chairman, and the responses from the witnesses.

Let me just observe that 7, 8, 10 years ago when I was serving in the State legislature in the State of Iowa, we spent quite a bit of time on juvenile justice issues. And when I think back to where we were 10 or 12 years ago and look at where we are now, I do believe that there has been quite a bit of progress.

That isn't to say that there isn't a lot more to be done, but the kinds of programs that you represent certainly suggest that we have made a lot of progress and that a lot of excellent work is being done.

And there are times, I know, Mr. Chairman, if you are like me, where you probably wonder if we ever make any progress on anything, and in the long haul it looks like we are making some here.

Let me just ask a couple of things, and perhaps you have already touched on them, and if you have, I apologize.

But I wonder if you think there is a need to change the focus of the act at this point? Particularly, should we be looking more closely or focusing more attention on serious offenders, minority youth offenders, youthful sex offenders, the mentally ill? Those four groups are groups that have been mentioned. Do you think there is a need to have some kind of special focus in the act on any or all of those groups, or maybe some other groups at this point? Do you think it is wise to try to focus on particular groups?

Do any of you have a reaction?

Mr. SCHWARTZ. One comment. I think Pat earlier in her statement, too, referred to the number of juveniles who enter the corrections system who really have serious mental health problems and what really ought to be done in managing that problem and ensuring that they get adequate care. And that has been a long-standing issue that most States haven't been able to grapple with successfully.

That would be a very important issue, I think, to take a look at and provide a demonstration.

I think also regarding the issue of the serious offender and how to invest resources most wisely, particularly in States now confronted with fiscal problems, we need I think to look at what other States have done in reexamining our youth detention and corrections policies.

A few States largely have, you know, very serious offenders under lock and key, but they have discovered it is a relatively small number and they have been able to successfully reinvest the money they used to have tied up in their large systems into more diverse and individualized programs.

That is a better use of taxpayer money. That is a very important role, I think, the Federal Government can play.

The other issue is the jail issue, which we mentioned earlier. There has been a lot of progress but also there has been a lot of—it sort of leveled off here in this area. And that is an important one, because you know all the reasons why the kids ought to be out of jail, but also, you know, that jail space is needed for adults.

There are a lot of States, Minnesota included, that are confronted with the potential for massive capital expansion at the county level because their jails are overcrowded. And part of the reason they are overcrowded is that, you know, on a Friday night if you happen to arrest a juvenile, and if it is a young woman, you have to keep her in one separate section of the jail, completely separated, separate staffs, separate programming, separate everything, and then, God forbid, you arrest a boy, you have to put him in a different part of the jail, have separate staff. And in most jails in

this country, there are only one or two or three people who staff these places at night, and sheriffs can't afford it.

And then they are subject to all kinds of lawsuits and litigation.

So, I think the case for getting kids out of jails, you know, ought to be made really on the basis of prevention of litigation, in addition to the fact that relatively few of these kids are there for serious crimes.

So, these are, I think, some of the real critical areas where the program can make a difference and be helpful to States. And we have some models, there are some States that have made tremendous strides in getting kids out of jails, and we ought to really make sure the policymakers hear about that and how they have done it without sacrificing public protection.

Mr. TAUKE. Mr. Loughran.

Mr. LOUGHRAN. Yes. In answer to your question, many States do not share—there is very little information sharing across the States of what kind of approaches that are being taken with the groups that you are talking about, the mentally ill offender, the sexual offender, which all of our States are seeing a real increase in the identification and incarceration of those youths.

And I think the office could play a tremendous role in moving that information from State to State, because I think many States are confronted with the problem and it is almost reinventing the wheel without realizing that someone else has done something before.

And just to move away from that group to a point that Ira Schwartz has made before, that a lot of States right now are poised to close down some of their major institutions. However, they don't have the technical assistance right now from the office to look at some of the models that were developed in Massachusetts and in Utah and Michigan to replicate those programs and to make—to avoid some of the mistakes that we made when we first did this 15 years ago.

So, I think that that is clearly a role that the office could play in the future.

Mr. TAUKE. Yes?

Ms. CUZA. I think as you are looking to reauthorize the act, and I certainly expect it to be reauthorized, I think you have to—

Mr. TAUKE. We do, too.

Ms. CUZA. I think you have to keep the elements that you already have, because even though, you know, we would like to think we have done such a good job in Michigan, unless we have this hammer over us to force us to do the constant monitoring and the constant compliance, we are going to have the slippage we talked about, I talked about in my testimony.

So that you must keep the mandate of the deinstitutionalization of the status offender, you must keep the mandate of the jail removal initiative, but you know have to evolve into meeting the needs of the 1980's and the 1990's, and I think you have to now add that component of the serious violent offender and we now have to, in the Federal act, talk about doing something about the sex offender and the mentally ill offender.

Because unless we have that kind of whatever it is you have up here, that gives my office, it gives my committee, it gives my Gov-

error the opportunity to say that we have to do this, which means that it is a harder nudge at our local policymakers and our local administrators and our local juvenile people and our jails and our sheriffs, because we get all kinds of flak on the monitoring. And unless you keep that monitoring in there, I am going to be in deep trouble because sheriffs don't like to report, lockups don't like to report, detention centers are the worst. I mean, they yell more than the sheriffs, if you can believe that.

They don't want to—you know, where do I think they have the staff to take all this staff time to fill out my forms, and I say, wait, wait, I am required to do this.

If I were not required to do this, they would say, oh, well, Pat, tough, all right. We need that.

So, in answer to your question, what we need in the act, we need what we already have, but you have got to get some new dimensions, because what Ira said is true in Michigan.

What happens to the sex offender and the mentally ill juvenile offender that we don't handle at the juvenile level, all we do is wait 2 or 3 years and then pop him in the slammer. And then what happens, when I change hats and move to my justice assistance program into my commission on criminal justice, as opposed to my juvenile justice, we then spend time and money trying to decide what to do about overcrowded jails, overcrowded prisons.

And Michigan has now initiated a three-quarters of a billion dollar construction program of prisons.

All we are doing, if we don't handle the problems down here, is inflating and exacerbating our adult problems.

Mr. TAUKE. Is the information sharing that was alluded to earlier by both of the gentlemen, is that the thing that we should emphasize for, let's say, the serious offender, the sex offender, the mentally ill person? Or is there something in addition to information sharing that should be looked at with respect to those particular groups?

Mr. LOUGHRAN. Maybe some more demonstration projects. At the end of Ira's term, he had started a demonstration project and research project on reintegrating the violent offender back into the community, and Massachusetts was one of the recipients of the grant. And part of the project now has actually been picked up by the State, and we have seen a lower recidivism rate for those youths who had some period of incarceration but then a caseworker with a very low caseload ratio supervising that youth back into a reintegration program and back into the youth's home.

We have seen them acquire more readily unsubsidized jobs than the youths who were in the control group, and we have also seen a higher increase in their ability to complete school.

So, there was a demonstration project funded by the office that the research will be coming out very, very soon, I understand, from the agency that was funded to do it. And it was very beneficial for our State to have that innovative approach in terms of working with the violent offender and doing much more than just locking that youth up, but preparing that youth to go back.

I think more demonstration projects for the juvenile sex offender, the mentally ill offender, and the serious offender are really needed for this population.

Mr. SCHWARTZ. I think also the reporting on research findings and making them available is extremely helpful. I know this development in Michigan on their diversion program was very useful at the court level.

Also, I would just like to say that I think, too, and I am not sure how best to handle this, but it is just an issue that is looming on the horizon that we need to look at, as you mentioned earlier, and that is the issue of the minority youth.

One of the things that is happening around the country is that our public detention and correctional facilities are largely becoming repositories for minority youth, and private youth correctional facilities are where white youth are showing up.

Now, in some cases I have heard that the justification for this is that minority youth account for a larger proportion of our more serious crime.

And we have just completed some research on this issue that raises serious questions about whether or not that in fact is true. In fact, the evidence shows it is not true.

I am not sure exactly what all this means or where we ought to be headed here, but I think that we really ought to step back and do some thinking about this and have a special hearing on this issue, and to figure out what—

Mr. TAUKE. The minority youth issue.

Mr. SCHWARTZ. On the minority issue, because particularly with this new research evidence indicating that minorities do not account for a disproportionate amount of serious juvenile crime, with that finding I think now we really have to look at this much harder than we have in the past. Or, if we continue on the same trend, probably somewhere between 1990 and 1995 we will have 80 percent of our public facilities occupied by children of minorities, and I think that is a potentially very explosive issue.

I am not sure what the answers are, but I know that we have got to look at it, and I think this committee would be in a particularly strong position and unique position to examine this now, before we have to figure out a way to react to it and we may not be in a position to do it in the most thoughtful way.

Mr. TAUKE. Mr. Schwartz, in your testimony you indicated that you had some specific concerns about the OJJDP, the first being the allegations that discretionary funds were not being awarded on a competitive basis.

I don't want to put you in a difficult position, and maybe you have already been asked to clarify this a little more, but do you have some specific examples, or could you elaborate more on that assertion?

Mr. SCHWARTZ. Well, I can. This is an issue that sort of transcends administrations. When I came to the office, one of the objectives that I was confronted with was the fact that the office was giving out a large portion of its discretionary funds on a noncompetitive basis. And that was a major concern.

And I had a number of Senators and Congressmen and others, you know, basically indicate that that was a major problem with the office.

It was not a question of philosophy, but the process, that the Office of Juvenile Justice ought to operate lawfully. And I could not argue or disagree with that.

Mr. TAUKE. Seems like a reasonable approach.

Mr. SCHWARTZ. Right. We made a very strenuous effort to have an open and competitive process for competition for funds, and to make sure that there was broad dissemination of the availability of funds. And in fact I think we really bent over backward to try to make sure that not only was the process open, but that people really knew what was available.

And I think that served us well. There were not allegations of financial improprieties. There were not allegations that grants were awarded on the basis of cronyism or favoritism or that grants were awarded with the idea of preconceived outcomes.

Now that has changed. And I think that that has around the country caused great—raised great concerns about the office and the program.

There ought to be equal competition for the availability of funds.

Mr. TAUKE. What has happened that caused that to change? Is there a stated policy? Is there a policy change or is there just a lack of policy?

Mr. SCHWARTZ. There must have been a policy change because when I was there there were written regulations and opinion by the Office of General Counsel that we followed quite religiously.

Mr. TAUKE. Have those regulations been changed? Have the opinions been altered?

Mr. SCHWARTZ. They either must have been changed or they are not being followed, because this is not the way many of the discretionary funds are being awarded.

Mr. TAUKE. How is the money being awarded?

Mr. SCHWARTZ. Grants are, in many cases, being awarded to groups and individuals without having to compete in an open process.

Mr. TAUKE. Ten percent, fifty percent?

Mr. SCHWARTZ. That I am not sure of.

Mr. TAUKE. Does anybody else have observations on this? Does anybody want to contradict what is being said? Or do you want to not get yourselves in trouble?

OK.

Mr. KILDEE. If I may, I really do think, too, that this subcommittee already discussed it with staff and we probably will be having a hearing just on some of the grants.

One grant, the money for which was just suspended, I think, last Thursday. I had asked for documentation for that grant last fall, and just a week before the suspension of that grant, had asked for further documents, because we saw some things that just didn't seem right in the process and they finally did suspend that grant. They spent, what, over half the money and not a penny of it, I think, has helped a child yet.

So, I think we will have a hearing on just that issue and have some of the people before us to explain why the grant was given and the manner it was given, and what is happening to that money now. Because we don't have a lot of money in that program, you know.

Mr. SCHWARTZ. I think also another issue in this regard is the research one. There are many competent, respected persons in the criminal justice research community who don't want to have anything to do with the office. And in part this has to do with the feeling that they could become tainted because in some cases researchers are complaining that their material has been misrepresented and in some cases tampered with, and also some researchers have basically indicated that unless the findings or conclusions can fit the current administration's thinking, that their material will not be published.

And I have heard this directly from researchers, and I think that is a very serious issue.

Research findings are research findings and they really ought to be done independently, and I think you let the chips fall where they may. But this, I think, seriously hurts the credibility of the program.

And I am sure I am not bringing up an issue that people in this room have not heard, but I think it is an issue that has to be looked at because it dramatically affects the credibility of the program.

Mr. TAUKE. How is the peer review process working?

Mr. SCHWARTZ. I can't comment on that right now. I am not that close to it.

Mr. TAUKE. Anybody here? Yes?

Mr. STROMBERG. Let me just add one other comment. It is unfortunate that there is a cloud over the office, because from the State level, me speaking for Utah, this has been one of the most effective Federal programs we have had, because to my knowledge every Federal dollar that we have received through OJJDP to start up programs, those programs have been picked up by State dollars.

So, this in fact is a Federal program where seed money was used as seed money, and then the State or local governments picked up the program.

So, here is, again, one where so many Federal programs, it seems they take the money, use it, it dies, such as in LEAA and some of those things. This one, that has not been true of OJJDP.

So, it really is unfortunate that there is some kind of shadow on the office, because the States, I think, have felt good about this program and used it appropriately.

Mr. TAUKE. Mr. Chairman, it sounds like we have a little work.

Mr. KILDEE. We do. This has been an excellent panel. This is an area of deep interest for myself, and one of the reasons, when I had a choice of which subcommittee to bid for, I bid for this subcommittee. Because I always said that this subcommittee has as its charge the most vulnerable people in our society, the very old who are very vulnerable, and the very young who are very vulnerable, and the poor.

I really think we do have a great deal of work to do to make sure that this office is carrying out the laws passed by the Congress and giving those services, as we have charged them to do.

I think those services are basically that we want to give some technical assistance, we want to help disseminate those programs that are working well so others won't have to reinvent the wheel.

They can learn from the good experiences, and sometimes the bad experiences, of other people.

And also the carrot and the stick, perhaps, where, Pat, you can say to the sheriff, listen, I have got to do this, whether you like it or not, this is required. It is a great thing to have this Federal mandate, if you want this, you have to do this, and this, and this. So, I think those are three elements that come to mind that we want to make sure really work well in this bill.

I guess one thing I am hearing, too, is that much more has to be done, contrary to what the office itself has said, that they have accomplished their goal and the office should be closed down, that much more has to be done, and without the office and without these three elements that I mentioned, that there can be and will be slippage, that there will be some backsliding.

So, I think that there is that possibility and I think that has come through very clear from your individual and your combined testimony here today.

Let me ask you this, when you do get a young person and you do physically remove him or her from those secure facilities or from the adult situation, what is being done effectively beyond just the cognitive things to help that person proceed along a good path?

I, having taught school for 10 years, and also having supplemented that by being a member of the legislature where I was in charge of the prison budget—I used to regularly visit Jackson Prison, the largest walled prison of the world, in that capacity, and I concluded that most of the people in Jackson Prison were there, among other reasons, because they didn't really like themselves. They didn't have a really good self concept. And if you don't like yourself, don't think that you yourself have dignity, it is very unlikely you are going to like other people and respect their rights and their dignity.

You know, if you don't like yourself and don't think your life has dignity, then to take someone else's life is not that difficult, or to take their property.

I really think it is important that we help people develop dignity and respect for self, a good self concept.

I tell this story frequently, about my son, Paul, who is now 13. Four years ago, I was putting him to bed one night and hearing his prayers, and after he finished his formal prayers, he said, I love God, I love Mommy, I love Daddy, I love Laura, I love David—and I love me. And that was very important. Really, I feel that kid is going to make it. You know, he recognized that he had worth, and that is the proper type of love for self. It is very, very important.

I guess my question is then, when we do get these children physically removed from these situations that were very hard on them, what are we doing then to help that person develop a good self concept, and what can we do more?

Judge QUINN. Could I just say this—and this may not be in direct response to you, but I think the key element here is to get to that child before he gets into the system, because then it might be too late. And I think that we need to refocus our effort through the Office on Prevention.

We need to get involved with the community mental health facilities, tie in with the schools and identify these youngsters before

they penetrate the system. Because once the child gets in the system, then I think we corroborate all the bad things they had ever thought about themselves, and the task then is almost impossible.

Mr. KILDEE. And I would concur. I think that prevention—your record there in Genesee County has been good in that. But suppose in the here and now we do get someone, we haven't done a good job in prevention and they do fall into the system. What can we do to intervene, then, to help salvage them?

Mr. Stromberg.

Mr. STROMBERG. Well, I think first of all the best way to reintegrate someone back into society with self esteem is not to take him out of society. Keep him in the community. Keep the lockup kind of situation to the very few that need it, so that we don't have to go back through a reintegration process. And those that we do lock up, we need to provide good programs.

One of our secure facilities, for instance, the education staff just received a national award in special education. They reportedly have achieved the greatest grade gain in 1 year.

So, even though we have them in our most secure facility and they are the very worst, we don't give up on education programs, on other kinds of things, treatment programs, which build self esteem.

So, at least when they come in, and out, of those facilities and go back into society, they do have some feelings of self worth and accomplishment that they have gained.

Mr. KILDEE. What do you do in the nonsecure facilities in Utah to help that person gain more self esteem?

Mr. STROMBERG. Well, in the nonsecure facilities, of course, they are community based and most kids—about 80 percent of our kids are still in their own local community. So, they still have a lot of contact with family, a lot of family therapy. We keep them in local schools, try to keep them right in the schools where they would come from, many in special programs but in the same schools.

We try, yes, not to lower their self esteem to begin with, try to keep it up high, and then add some accomplishments to that.

We also have work projects, all of the traditional kinds of things you do to help kids stay in society and feel good about who they are and what they are.

Mr. KILDEE. Yes?

Mr. LOUGHRAN. One of the programs that I mentioned in the written testimony was the Homeward Bound Program on Brewster on Cape Cod. That program is based on the Upward Bound model. And we have eight brigades—four brigades, rather, of eight youths, in a brigade that turns over every 28 days. And they go through a full Upward Bound schedule, which is the rigorous sailing—they go out on the Appalachian Trail. And everyone has said that when the kids leave that program, they feel good about themselves, that this is the first time a lot of these kids have accomplished anything in their lives through real sweat and hard work.

The key there is the followup, because it is a 28-day intervention. It is not a long, long intervention, but the key is then following up in the community when the youths go back home.

In fact, the Rand Corp., singled this out as a national model to be followed, and it has been in existence actually in Massachusetts prior to the closing of the institutions, and it has been one of the most successful programs, not for everybody but for a good amount of the kids. It is a very successful intervention and really does deal with the affective level that you talk about, Mr. Chairman.

Mr. KILDEE. Mr. Schwartz?

Mr. SCHWARTZ. I think you have touched on a very important issue, which is the aftercare.

In spite of our best efforts, there will be some kids that are going to be in the system and will have to be locked up, some for a long period of time, and we have provided the best care we can. And I think in Utah they are probably spending over \$100,000 a year per kid on those few that they have locked up.

But then when we release those kids, that is when we don't spend much money on them in terms of reintegration into the community.

And all of the research evidence shows that that is really critical in terms of helping them succeed.

It would be like if you had an illness and had to go to a hospital to be treated, and they told you, you have really got to take care of yourself and watch yourself, and you went out and did the same old thing and got sick again.

It is the same thing in youth corrections. We have really fallen down miserably in the area of aftercare. And that probably is one specific, I think, item where we could really—we have a lot to learn and I think it could be of benefit to virtually every State, because I really don't know personally of any State that is doing a very good job in the area of aftercare, particularly for those released from institutions.

Mr. KILDEE. Your answers have been really helpful, because the judge talked about prevention, and that is very important. Very often we forget the name of the office, it is Juvenile Justice and Delinquency Prevention, and it is really the best spot.

Then we talk about the secure facility and the nonsecure facility, what we can do within those facilities to help them have self-esteem. And you add, then, the aftercare.

I think we have covered the whole waterfront there.

Yes, Pat.

Ms. CUZA. I just want to bring the full circle around. Getting back to the study that was funded by JJDP on diversion, the one and only model that worked for those kids was the model that was titled, "Family Support and Education."

Once you get these kids in or to keep them out, we need to have the intensive interaction not only with the child but with the family support, because that is where they need to get that reinforcement.

Mr. KILDEE. I really appreciate your testimony. Really, one of the great advantages of serving in the Congress of the United States is you can bring before yourself people and you can kind of get a doctoral degree just listening to people who are expert in the field, and this has been extremely helpful to me today. It has been very helpful.

Now, we think we know some things about this, but we are just scratching the surface of the knowledge of this whole area of the human psyche itself.

We are pioneers, all of us are pioneers in that, but to have people like yourselves coming before this committee, you have performed a very good service to the committee, and really I am not exaggerating, and a very great service to the Nation by your testimony here today.

I deeply appreciate it.

Mr. Tauke, do you have any further questions?

Mr. TAUKE. I want to echo those sentiments, and thank you very much for sharing your wisdom with us.

Mr. KILDEE. I want to call attention to the committee, too, the presence of another person who has been very, very helpful to this committee through the years, Mary Ann Mattingly, who represents the SAG's here in Washington very, very well. We call upon her regularly and she is one of the other experts in this, and we appreciate her being here.

The record of this subcommittee will remain open for 2 weeks for any additional submissions of testimony.

Thank you very much. We stand adjourned.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned.]

[Additional material submitted for inclusion in the record:]

GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES



CAPITOL SQUARE, 65 EAST STATE STREET, SUITE 1312, COLUMBUS, OHIO 43215

July 3, 1986

Congressman Dale E. Kildee
Chairman
Subcommittee on Human Resources
402 Cannon Building
Washington, D.C. 20515

Congressman Kildee:

I am writing in conjunction with the efforts of the Midwest Coalition of State Advisory Groups to present evidence of the effectiveness of the Juvenile Justice and Delinquency Prevention Act. We are very proud of the fact that Ohio has consistently passed through to local communities a greater proportion of the formula grant than is required by the OJJDP Act. Furthermore, an even larger proportion of the funds have gone into services directly involving youths and their families because a number of the state-level grants are for direct service projects. I have summarized this information for Fiscal Years 1984 and 1985 below.

Fiscal Year	Total Formula Grant Award	% Passed Through to Local Projects	% Distributed to Service Projects
1984	\$1,933,000	70.6	80.1
1985	\$1,890,000	78.7	79.8

In addition to passing through a large proportion of the JJDP funds, the "Ohio Plan" allows maximum local control over the funding of juvenile justice projects. This is particularly true in the six major metropolitan regions where local planning councils are empowered to actually select projects to be funded locally, consistent with statewide Directives.

Through the JJDP program Ohio has achieved several major accomplishments, including:

- Compliance, with de minimis exceptions, with the deinstitutionalization of status offenders requirements under the Act.
- Implementation of a major jail removal initiative which will drastically lower the number of juveniles in adult jails and bring Ohio very close to achieving compliance with the jail removal requirements of the Act.

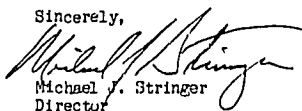
State of Ohio • Richard F. Celeste/Governor • Michael J. Stinger/Director

Congressman Dale E. Kildee
July 3, 1966
page two

- Improved local planning for and coordination of existing youth services through Youth Service Coordinating Councils.
- Implementation of two model programs for serious juvenile offenders which is proving effective at improving the youths transition from institutional care to the local community and their consequent adaptation to mainstream society.

The Governor's Office of Criminal Justice Services is very supportive of the JJDP program because of what the state has been able to achieve and because of the importance of completing initiatives that are already underway. If any additional information would be helpful to your Subcommittee, please feel free to contact my office.

Sincerely,



Michael J. Stringer
Director

MJS:RGS;paw

cc: Senator Howard Metzenbaum

MIDWEST STATE ADVISORY GROUP COALITION

INDIANA ILLINOIS IOWA MICHIGAN MINNESOTA MISSOURI NEBRASKA OHIO WISCONSIN

Representative Dale Kildee
Subcommittee on Human Resources
402 Cannon House Office Building
Washington D.C. 20515

Dear Representative Kildee;

The Midwest State Advisory Group Coalition is made up of the nine midwestern states that participate in the Juvenile Justice and Delinquency Prevention Act. At this time, we would like to tell you about our mutual accomplishments under the Act. Clearly, the unique structure created under the Act which first, establishes the State Advisory Groups and staff to coordinate Juvenile Justice policy and to administer the monies coming into each state, and second requires the spending of these monies, for the most part, on direct services to children through grants to local public and private agencies has worked well! The following percentages reflects the amount of the total formula grant spent on direct services to children at the local level for each state in the coalition: **Illinois 70%** (FY86), **Indiana 67%** (FY 86), **Iowa 69%** (FY86), **Michigan 80%** (FY 86), **Minnesota 79%** (avg for last 3 FY's), **Missouri 90%** (FY 86), **Nebraska 70%** (FY 86), **Ohio 79.5%** (FY 85), **Wisconsin 66.6%** (FY 86). In many states the amount spent on direct services is even higher than shown here as grants to state agencies like the Department of Corrections are used for direct services to children in the state, but state agency grants are not included in the above percentages.

Using this structure effectively all nine states have achieved the following, within each state:

1. Compliance with the deinstitutionalization of status offender mandate of the Act.
2. Compliance with the separation of juveniles from adults by sight and sound mandate of the Act.

3. Development of alternative resources and services for juveniles in contact with the justice system, including:

Foster Care Facilities
Group Homes
Shelter Care Facilities
Home Detention Programs
Restitution Programs
Alternative Education Programs
And Much More

4. Improvement of youth advocacy capabilities at the state level, primarily through the state advisory groups.

5. Exploring and developing the untapped resource of volunteers in the juvenile justice system.

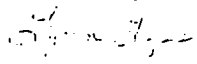
7. Development of programs and statewide plans to remove juveniles from adult jails and lockups.


8. Development and support of many studies of a variety of issues in the juvenile justice system.

Likewise, many states have had individual successes. Wisconsin revised its entire Children's Code. Minnesota is currently undergoing that process. Iowa operates an innovative mini-grants program that encourages prevention programs at the local level. Missouri has passed effective jail removal legislation. Michigan operates a statewide alternative to jails program. And, there are many many more achievements that space and time do not allow us to write here!

We have worked hard to improve the quality of the juvenile justice system in each of our states. we are currently working with many others to remove all juveniles from adult jails and lockups. With your continued support, we look forward to many more successes!

Sincerely,


Lynn Lyss, Chair
721 South Central
Clayton, MO 63105
(314) 725-3799


Richard J. Gardell, Vice Chair
1710 E. Larpentour Ave.
St. Paul, MN 55109
(612) 778-1930



ADVISORY BOARD MEMBERS

Mrs. Judith C. Anderson
 Mr. J. Allen Bell, Sr.
 Dr. Sandra Bell
 Mr. John E. Bowles
 Mrs. Margaret O. Fluharty
 Mrs. Evelyn Green
 Mrs. Norris J. Hack
 Ms. Suzanne S. Jacobson
 Dr. Joseph W. Kiser
 Ms. Laura Miller
 Dr. J. David Minstrell
 Mrs. Margaret G. Seiler
 Mrs. Margaret M. Simpers
 Ms. Dorothy H. Stambaugh
 Mrs. Mary H. Stambaugh

MARTHA NORRIS OLBERT
 DIRECTOR
 TEL: 804/786-5507

COMMONWEALTH of VIRGINIA

DEPARTMENT FOR CHILDREN

805 East Broad Street
 11th Floor, 8th Street Office Building
 Richmond, Virginia 23219

June 23, 1986

The Honorable Dale Kildee
 Chairman - Subcommittee on Human Resources
 402 Cannon Office Building
 Washington, D.C. 20515

Dear Representative Kildee:

Our agency, the Virginia Department for Children, is the state's advocacy office for children and youth. We are always gravely concerned about any possibility of reductions in, or elimination of, funding for essential services for children and youth. We consider the programs and services made possible through Juvenile Justice and Delinquency Prevention funding - essential. It is for this reason that I am writing to you (as chairman of the Human Resources Committee) to urge reauthorization of funding for these programs and services.

Virginia is able to upgrade the handling and treatment of delinquent juveniles and prevent juvenile offenses as a result of availability of this financial resource. We have made substantial progress in jail removal; the needs of runaways are being addressed through coordinated multi-jurisdictional efforts; there is an increase in diversionary services and informal processing of juvenile cases; localities have developed community-based alternative services to detention; services in detention homes have been upgraded and the practice of inappropriate detention is being eliminated; projects have been implemented to improve after-care services; an interagency Prevention Coordination Committee is focusing on prevention efforts exclusively; and a wide array of other important projects are underway. We believe that reduction or elimination, of this funding would be counterproductive, i.e. our efforts toward rehabilitating juveniles and preventing delinquent acts would be seriously impeded.

I have enclosed, for your review, a copy of Virginia's Fourth Annual Performance Report submitted by the Virginia Department of Criminal Justice Services to the Office of Juvenile Justice and Delinquency Prevention. In reviewing this report you will find documented evidence of the important work of the agencies that receive Juvenile and Delinquency Prevention funding.

We hope that the Human Resources Committee will continue its tangible commitment to treatment and prevention. Inherent in this commitment is a point

The Honorable Dale Kildee

-2-

June 23, 1986

of view that particular interventions such as those that occur as a result of this funding do, indeed, benefit youth and our society.

Thank you for giving every consideration to reauthorization of this funding.

Sincerely,

Martha Norris Gilbert

Martha Norris Gilbert
Director

Enclosure

MNG/arm

cc: Virginia Congressional Delegation

Fourth Annual Report retained in Subcommittee files.

APPENDIX

juvenile justice and delinquency prevention

ERIC Full Text Provided by ERIC

The Michigan Holdover Network

Short Term Supervision Strategies For Rural Counties

(87)

The Michigan Holdover Network

Houghton, Michigan, is a small resort town located on a finger of land that juts about sixty miles into Lake Superior. It belongs to an area of Michigan known as the "Upper Peninsula"—upper because it is separated by Lake Michigan and the Mackinac Straits from the rest of the State. Southern Michigan residents tend to think of the Upper Peninsula as a vacationer's paradise. Its heavy annual snowfalls make for excellent skiing in the winter, and in the summer its numerous lakes and forest areas give downstate city dwellers a chance to escape the hectic pace of urban life. Residents of larger commercial centers in the Upper Peninsula such as Escanaba and Sault Ste. Marie often have to make it clear to visitors that their third of the state is not one vast forest preserve. But in Houghton, life revolves pretty much around the tourist season. During long stretches of the year there's not much happening here.

Above one of the storefronts that line Houghton's main street is a nonsecure juvenile holdover. As juvenile detention settings in small, rural communities go, this holdover is quite remarkable. First, it is located in a spare room at the community's *Dial Help* office, the local crisis telephone center, and consequently one could walk by it and never know it was there. Second, the room itself does not display any overt intent to intimidate or control behavior. In other words, it doesn't look anything at all like a "cell." It looks like all the other rooms in the office building, except for the fact that it doesn't contain a desk.

The holdover's major purpose is to give court officials someplace besides the local county jail to hold juveniles after they have been apprehended. Michigan's Department of Social Services established a network of nonsecure holdovers in the Upper Peninsula five years ago so that small, rural communities like Houghton could avoid having to reorganize the entire population in a jail to make room for a juvenile. Because of the trauma and abuse youths in jail can suffer at the hands of resident adult inmates, Michigan State law forbids placing a juvenile in a jail cell that is within sight and sound of any resident adults. But many county and city jails are so overcrowded that there often is simply no way a jailer can find room for a juvenile, especially if an entire wing of a jail will have to be emptied to accommodate one youth. Sometimes the jailers at an overcrowded facility have to choose between doubling the number of inmates in each cell or putting a youth in solitary confinement, the cell meant to punish ungovernable adults. Also, aside from these more practical aspects of the problem, many justice officials are opposed to the jailing of juveniles for ethical or philosophical reasons.

Many communities avoid having to place juveniles in adult jails by placing them in secure juvenile detention centers, facilities designed specifically for juveniles. But Houghton County does not have easy access to a secure juvenile detention center. The closest one is about 440 miles away. Consequently, until about four years ago the only place one could hold an arrested juvenile was the county jail. Now that the county has a holdover, however, youths who are charged with non-serious delinquency offenses and "status" offenses—offenses that would not be considered crimes if committed by adults—are brought to a holdover rather than to the county jail. Often problems such as incorrigibility and running away originate in an unstable home situation, which makes the issue of juvenile jailings all that much more problematic. "A lot of the youths we see are victims of abuse and neglect," commented Lynn McGregor, Juvenile Diversion Officer for Schoolcraft County, another county in the Upper Peninsula that operates a holdover. "By taking the youth to a holdover rather than to a jail, we feel that we are gaining some time. The youth has time to make some decisions and think through his or her options, and local officials have some time to decide how to handle the case." For youths like this who are living in a community where everyone knows everyone else, having to cope with the stigma of being sent to jail complicates their problems considerably.

The holdovers are also used to detain some felony offenders who are not considered dangerous to themselves or others. Youths who have committed property felonies or some minor aggressive felonies are held in a holdover pending a preliminary hearing. At the hearing the court decides whether to place these youths in a detention center or to return them to their homes.

The Upper Peninsula's holdover network is part of an innovative "alternative services" program that now serves all of the rural areas of southern and northern lower Michigan as well. Alternative services—i.e., alternatives to jail and secure juvenile detention such as court-ordered home detention and temporary youth shelters—are a relatively new idea in juvenile justice programming. To a certain degree they represent a response to worsening economic conditions, widespread overcrowding in city and county jails, and the consequent need for more efficient means of detaining status and nonoffenders, persons in need of supervision, and youths accused of delinquent offenses. But a more immediate cause for the development of alternatives to the secure holding of youths in adult facilities was the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments, which require participating states to remove all juveniles from adult jails and lockups by December 1988. Communities that are committed to a policy of "jail removal" (as it is called by those in the field), but who have no access to a secure juvenile detention center and cannot raise the funds to build one, have had to find other, less costly ways to supervise youths in trouble with the law.

"A lot of the youths we see are victims of abuse and neglect. By taking the youth to a holdover rather than to a jail, we feel that we are gaining some time. The youth has time to make some decisions and think through his or her options, and local officials have some time to decide how to handle the case."

*Lynn MacGregor,
Juvenile Diversion Officer
for Schoolcraft County*

Unfortunately, establishing a network of alternative placement options has been particularly difficult for rural areas, where resources for new programs are often nonexistent. But Michigan's alternative services program has not only proven to be successful, it is extremely economical as well. The network's key components, a series of nonsecure holdovers and a home detention program, have required almost no capital outlay for building construction or major renovation, and the services are staffed by locally trained, paid "quasi-volunteers." In 1984 the entire Upper Peninsula alternative services program (including administrative expenses) cost the State only \$118,194.

How does the program work? Suppose that two local police officers arrest a youth on a breaking and entering charge. If the arresting officer cannot locate the youth's parents immediately, or if the youth cannot or should not be sent home, the police can bring him to a nonsecure holdover where a youth attendant will wait with the boy until a face-to-face meeting can be arranged with an officer of the court. Then, if the judge decides at the hearing that the youth does not need to be held in secure detention, but nevertheless needs some sort of court supervision before the case is adjudicated, s/he can order the boy to participate in a home detention program, and a home detention contract is drawn up and signed by the judge, the youth, his parents, and the home detention worker who is assigned to the case.

Michigan officials developed these alternative services not only in response to federal legislation, but also as part of a philosophical commitment to the idea that putting juveniles in jail to punish them or "teach them a lesson" doesn't help them solve their problems. Instead, it generally postpones the problem-solving until they are returned to their families, where the problem often originates. Sometimes it even makes the problem worse, in that a youth may leave the jail feeling alienated and bitter. Or worse, sometimes when youths are placed in adult jails, where the staff may not be adequately trained to provide the necessary supervision, they may become severely depressed and try to take their lives. If something tragic happens, the local court faces the risk of expensive lawsuits, unfavorable publicity, and the loss of public confidence.

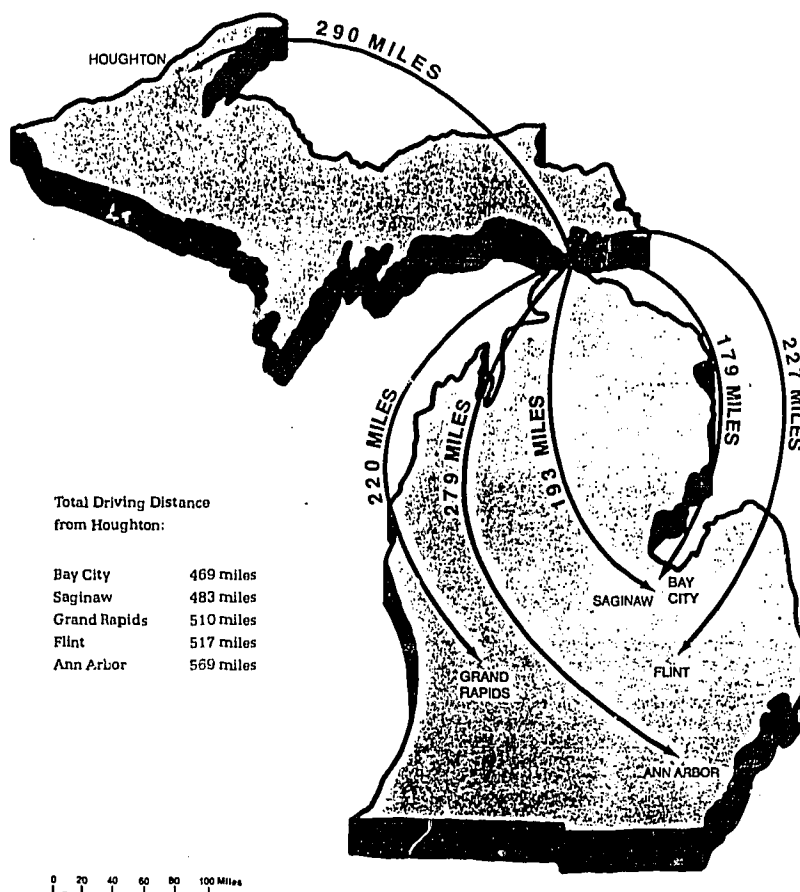
But what is most remarkable about Michigan's stance on jail removal and its highly effective network of alternative programs and services designed to prevent juvenile jailings, is the fact that these alternatives have been instituted in the Upper Peninsula despite a number of seemingly insurmountable obstacles. First, there is no secure juvenile detention facility anywhere in Northern Michigan. The nearest county-run detention center is in Bay City. The only State-run detention center is located in Flint, over 500 miles from the peninsula's northwest corner. To drive there, one would first have to travel to the east end of the peninsula, cross the Mackinac Bridge, and then head downstate—about the same distance as driving from Flint to Lexington, Kentucky (See Map). Second, although in 1978 the State Legislature authorized plans for building regional detention centers throughout the State, deteriorating economic conditions in Michigan have prevented the plans from being implemented. Third, because of the long distances involved, it is not practical to transport more than a few youths to available detention centers downstate. Local officials prefer to use these facilities only as back-up centers, particularly for serious or chronic offenders who require longer-term detention and are likely to be placed in a training school or private residential program. Also, the parents of incarcerated youths would find it difficult to make frequent visits and arrange meetings with legal counsel at such a distance. Nor do they want their children, who may not have a history of serious crimes, mixed with street-wise youths from large cities in Southern Michigan.

Because of all these factors, officials in Michigan's Department of Social Services developed a plan in 1979 to establish a network of regional detention programs in the northern part of the State. As a first step in implementing the plan, in 1980 the agency applied for a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which, if awarded, would enable them to develop plans for a network of regional detention programs. Meanwhile, the School of Criminal Justice at Michigan State University conducted a study on jailing practices in the State. Published in 1980, the study indicated that of all youths booked and placed in a cell in the Upper Peninsula, about 44 percent were held in secure custody for less than 24 hours. Of the youths who remained in jail longer than 24 hours, over half (51 percent) were there for dispositional placement. These figures, coupled with a rise in the per diem rates at the Flint detention center, overcrowded jails throughout the State, and few available tax dollars to build new facilities for either adults or juveniles, led State officials to concentrate on planning for low-cost, short-term alternatives to secure residential detention in the State's northern regions.

By March of 1981 the State had received a second OJJDP grant award to implement the program, and the Flint Regional Detention Center director began meeting with representatives from Northern Lower Michigan and the

The Michigan Holdover Network

DRIVING DISTANCES BETWEEN HOUGHTON
AND FIVE DOWNSTATE DETENTION CENTERS



Upper Peninsula to discuss ways to pilot an alternative services network in a few selected counties. These meetings helped the Office of Children and Youth Services prepare a revised version of the 1979 regional detention plan, which it submitted to the State Legislature in October 1981. Under the revised plan participating Upper Peninsula counties would receive funds to set up nonsecure holdovers, shelter care programs, home detention programs, and a transportation service to the Regional Detention Center in Flint, or to other county-run detention centers. The plan also called for the appointment of a Regional Detention Services director for the Upper Peninsula. The director's first responsibility was to contact local judges and other state and county officials to secure widespread cooperation and participation in the program. In general, local response to the proposal was favorable, and by December 1992 there were ten nonsecure holdovers in the Upper Peninsula, seven secure holdovers, nine in-home detention programs, and jailings in the participating counties had dropped by 74 percent.

The immediate and drastic reduction in jailings brought national attention to the Upper Peninsula's program, and Regional Detention Center officials at Flint soon found themselves receiving calls from juvenile justice specialists around the country who wanted to implement similar alternative programs and services in their own jurisdictions. As time went on the program was modified to better suit the needs of Upper Peninsula counties, and gradually the program has been expanded throughout the State. To date, in addition to the Upper Peninsula's alternative services, there are eighteen nonsecure holdovers, nine secure holdovers, and sixteen home detention programs in Northern Lower Michigan, and thirteen nonsecure holdovers, seven secure holdovers, and fourteen home detention programs in the 22 eligible counties in lower Michigan. The programs in the Upper Peninsula and Northern Lower Michigan are now 100 percent state-funded, and State officials expect the lower Michigan network to be entirely state-funded by 1988.

THE NETWORK

The alternative services network as it now exists features six basic programs.

Nonsecure Holdovers. Each participating county found space (usually a room) for a holdover in a nonsecure public facility, or in a nonsecure area of a public facility, that was accessible to the public. It could be located in a state police post, sheriff's office, detox center, community mental health center, local hospital, or other appropriate agency. (See Table One for a list of holdover sites.) Each holdover has access to bathroom facilities and a phone, room for a cot or couch, and access to meals. Normally a youth can be

held there for only 10 hours at a time, but in exceptional circumstances juveniles can be held up to 24 hours, and as long as local officials keep to the 10-hour time limits and provide full documentation for any cases where a youth is held for more than 10 hours, the county will be fully reimbursed by the State Department of Social Services for its expenses. All holdovers are limited to this maximum holding period of 24 hours, mainly because facilities which hold youths in care for over 24 hours must be licensed. Any time a local court decides to keep a youth in a holdover

Table One

Holdover Sites in the Upper Peninsula

County	Where Located
Mackinac	Sheriff's Department
Chippewa	County-City Building
Luce	Sheriff's Department
Schoolcraft	Sheriff's Department
Dickinson	Service Building behind Courthouse (houses ambulance service, sheriff's department and county commissioners)
Iron	Michigan State Police Post
Gogebic	Sheriff's Department
Ontonagon	Sheriff's Department
Houghton	Crisis Hot Line Center Office
Alger	Sheriff's Department

longer than 24 hours without sufficient reason, it has to assume responsibility for its own expenses.

In general, youths who are charged with an offense so serious that they cannot be returned home, who have violated probation, or who have run away from home may be placed in a nonsecure holdover. A volunteer youth attendant is assigned to each youth in a holdover immediately after the youth arrives. The attendant, who stays in the holdover as long as the youth is there, must be of the same sex as the juvenile; if the youth is unruly, or drunk and disorderly, or if there is reason to believe the youth is a high security risk, the court may use two attendants to provide necessary supervision. In case of emergency, the attendants must be able to call on staff members from a nearby 24-hour agency.

Since the holdover is nonsecure, there are no locked doors and no barred windows in the room where the youth is staying. This means that any juvenile brought to a holdover technically can leave it, though almost all of them don't. "We've never had anybody walk out of a holdover,"

The Michigan Holdover Network

said Lynn MacGregor, when asked how Schoolcraft County handles its security problems. "There's nothing in our holdover to keep someone from walking out, but our youth know they are not supposed to. They are in the holdover for a reason, and they know they've got to face up to their problems when they get there. They realize that the community is taking what they have done very seriously." What keeps a youth from leaving, according to MacGregor, is knowing the consequences if someone walks out: youths who leave a holdover will have to explain why they did so to the judge. That, and the fact that an adult attendant remains in the room with the youth during his or her entire stay.

The rate of pay for holdover attendants is \$5.00 per hour. There are no educational requirements for the job, but holdover workers are required to attend a four-day training session before they begin their first assignment. The types of people generally attracted to the job are court volunteers, college students, senior citizens, social service workers, police officers, and adults interested in community service projects. Since the holdover program is actually a quasi-volunteer service (the work is too unsteady to be relied upon for income), workers are usually recruited because they are concerned about the welfare of youths caught up in the juvenile justice system, and not because they need the money.

When juveniles apprehended by local police qualify for holdover detention, the arresting officer first asks the local probate court for permission to place the youth in detention. If nonsecure detention is approved, the judge or a designated representative will phone a volunteer attendant and ask him or her to report to the holdover. Meanwhile, the police will keep the youth in custody at the holdover site until the holdover worker arrives and assumes responsibility for the youth. While the holdover worker has the youth in custody, he or she must give the youth constant, direct supervision until the youth is released or another attendant arrives for the next shift. Attendants may talk with the youth, but should not discuss the youth's alleged offenses, because they are expected to review the youth's adjustment in holdover detention with the court at the preliminary hearing. They may even be asked to recommend where the youth should be placed during the period before formal court disposition.

Home Detention. This alternative program was designed for youths requiring court supervision during the period between the preliminary hearing and formal adjudication and disposition. There is an initial two-week limit on the home detention contract, but under certain circumstances court staff may request extensions if, for example, more time is needed to assess the youth or family in order to make a disposition, or if the court calendar prohibits a final hearing until a specific date. Under the program, a youth who has been arrested may be returned home, where he or she is supervised by a trained volunteer home detention

Court officials in participating Upper Peninsula counties have found that the greater attention given to youths under the Home Detention program provides the court with more information about a juvenile, and consequently gives the judge a more complete and reliable basis upon which to make placement decisions. Also, youths under a home detention contract do not have to be sent out of the county to receive appropriate care, and the entire court process benefits from the closer liaison between the youth, home detention worker, and the court.

worker of the same sex as the youth. The worker must make at least one face-to-face contact with the youth each day, and a nightly phone contact, to insure that the conditions of the home detention agreement are being met. Home detention workers may make other contacts with the family, school, employer, etc., depending on the nature of the contract and the specific circumstances of the case. They must also keep a daily log of the time and manner of each contact, whether the youth was keeping to the terms of the contract, how the youth was behaving at the time, and any other appropriate comments. This log must be submitted to the court for review periodically or at the end of the detention agreement, and the worker should review the youth's behavior with the court either just before the final disposition hearing, or during the hearing. Workers may also be asked to recommend where the youth be placed—i.e., at home on probation, in foster care, residential care, a training school, or a special treatment program. Home detention workers must also file a formal Worker Summary, which officially records any appropriate observations and recommendations with the court.

To authorize a Home Detention Contract the court must indicate that out-of-home placement, either in the form of shelter care, secure detention, or jail, would have been used if home detention had not been available, and the contract must be signed by all participating parties, including the youth, the youth's parents or guardians, the probation officer, judge, and home detention worker. Home detention workers are paid \$10.00 per day for their services, an amount which is fully reimbursed by Michigan's Department of Social Services.

Court officials in participating Upper Peninsula counties have found that the greater attention given to youths under the Home Detention program provides the court with more information about a juvenile, and consequently gives the judge a more complete and reliable basis upon which to make placement decisions. Also, youths under a home detention contract do not have to be sent out of the county to receive appropriate care, and the entire court process benefits from the closer liaison between the youth, home detention worker, and the court.

Transportation Network. In certain situations, usually because of delays in the court process and/or the nature of the youth's alleged crime, counties in the Upper Peninsula will not access to longer-term secure detention. To provide this service a transportation network was established between the Regional Detention Center in Flint and the Upper Peninsula. Youths requiring long-term secure detention are brought to the Mackinac Bridge by the county, where they are transferred to a secure vehicle from the Genesee facility which brings them to Flint, a distance of about 180 miles, or to some other county detention facility. The youth is returned to the Upper Peninsula via the same system.

To be eligible for these services, a local court must either have (a) eliminated juvenile jailings, or (b) established a working system of holdover and home detention programs and/or other "jail removal" alternatives. Each county using the service must recruit its own drivers and/or attendants to transport the youths to the Mackinac Bridge and back. Because they've already been trained and are familiar with the local juvenile court system, volunteers for the home detention and holdover programs are well suited for the task. The transporters may use their own vehicles, in which case the vehicles must be safe, properly insured, and equipped with appropriate items such as a spare tire, jack and lug wrench, etc. Drivers and attendants are paid \$5.00 per hour, plus expenses, during the hours of transport, while the youth is in their custody (i.e., in transit), unless they are on-duty police officers. Service workers who are already on duty for their time, in which case they are only reimbursed for mileage and meals. Local officials prefer police and other county employees in the program when they are off duty, so as not to disrupt their regular work. And, as in the other attendee programs, if the transporter or the attendant must be of the same sex as the youth.

While the costs of transporting the youth to and from Flint are fully reimbursed, the daily fee for use of the Genesee facility must be split between the county and the State. This charge-back encourages local courts to use alternative services, which cost very little under current arrangements and are fully reimbursable, rather than relying on expensive residential services downstate. "We don't send our youths to Flint very often," said one Upper Peninsula official. "We can't afford it! Besides, we can usually handle their problems here anyway." Still, for those youths who need longer-term secure custody, the Flint detention center is available at a reasonable price, but the Upper Peninsula counties generally regard it as a last resort.

Secure Holdovers. Federal OJJDP guidelines allow rural jurisdictions to hold violent offenders in adult jails for up to 48 hours, provided the juveniles are separated by sight and sound from adult offenders. Department of Social Services officials in the Upper Peninsula, following the intent of these guidelines, developed a series of secure

holdovers located in adult jails where violent offenders could be kept in secure custody for up to six hours, pending a face-to-face meeting with a court worker, and/or an informal hearing and/or a preliminary hearing. The youth in question must be charged with either murder, criminal sexual conduct in the first or third degree, armed robbery, kidnapping, or an assault which is a felony. Secure holdovers may also be used for up to six hours if the youth is fifteen years or older, is being charged with an adult-type offense, and/or is otherwise out of control. The holdovers are located in the county jail; they must be separate from the main cell block and must not allow for any verbal, visual or physical contact with adult prisoners. Each one must also be approved for use as a holdover by a Regional Detention Services staff member as well as the sheriff.

Whenever an out-of-control youth is placed in the secure holdover to "cool off," the youth must be moved to a nonsecure holdover after six hours, and the six hours must be counted toward the nonsecure holdover time limit of sixteen hours (i.e., four hours in secure custody, plus twelve hours in nonsecure custody equal the limit of sixteen hours in a holdover).

The operating procedures for a secure holdover are similar to those for a nonsecure holdover. The holdover attendant is to provide constant, direct supervision of the youth as long as the youth is in the holdover. In addition, every 15 minutes either the attendant or the Sheriff's deputy should make entries in a monitoring log describing the youth's behavior and attitude. Then, once every hour or she should also indicate why the youth is still in secure custody (e.g., "youth still out of control" or "looking for an available bed in a detention center"). This log must be submitted to the Department of Social Services, along with other required documents specifying the youth's alleged offense and other demographic data, in order for the county to be reimbursed for holdover expenses.

Because Regional Detention Services staff and local justice officials in the Upper Peninsula generally are opposed to juvenile jailings, very few youths have been held in the area's network of secure holdovers. In 1984 eight youths were admitted to secure holdovers in the Upper Peninsula, for an average length of stay of 5.5 hours. Sixty-six youths, on the other hand, were admitted to nonsecure holdovers during the same period.

Holdover and Home Detention Worker Training. Every three months a four-day training session totaling 23 hours of instruction is offered for recruits to the holdover and home detention worker programs. Since this type of contact with youths is generally new to a majority of the workers, it is essential that new volunteers are taught how to respond properly to the variety of situations that may occur while they are on duty. The training sessions thus include listening and communication skills, family assessment, theory of adolescence, substance abuse, teen-age depression and suicide, self-defense and restraint training, and guidelines on how to transport a youth. New recruits

The Michigan Holdover Network

attending these sessions are paid \$10 per day for each day of training, plus mileage and meals during travel. Lodging and meals during the sessions are provided without cost to the workers as well.

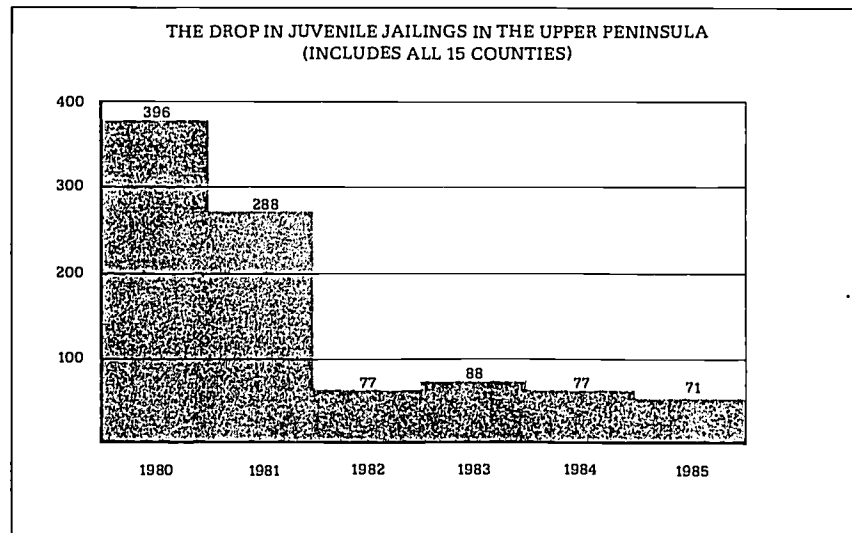
In addition to these initial training sessions, one-day meetings are held with local court officials and Regional Detention Services staff on a quarterly basis to discuss any problems that the workers might be having with the program. Since workers from several counties attend these sessions, the day provides ample opportunity for workers to exchange tips and share experiences. As with the initial four training sessions, meals during the workshops are provided without cost to the workers, and the attendees receive \$10 per day plus mileage for attending the sessions. These arrangements apply to any additional ongoing training workshops local courts may wish to schedule as well.

Twenty-four Hour Clearinghouse of Available Detention Bedspace. In order to help make their member facilities available as alternatives to jail for non-resident offenders, the Michigan Juvenile Detention Association (MJDA) has agreed to support efforts to establish a statewide clearinghouse for information on available detention bedspaces. Each week the Intake staff at the Flint Regional Detention Center contacts participating MJDA facilities and asks them for the number of bedspaces they can make available

on a courtesy basis to rural counties without a secure juvenile detention center. If during the week this number changes, the facility staff will notify Flint as to know how many available beds they still have (or how many more they have). Rural counties needing these bedspaces can telephone Flint to find out what is available, but they are responsible for negotiating its use directly with the MJDA facility.

THE TRACK RECORD

As the chart below illustrates, jailing rates in the Upper Peninsula over the past four years have not risen substantially since the dramatic 74 percent reduction achieved in 1982. Between 1981 and 1982 jailings in Upper Peninsula counties dropped from an average of 20.9 per month to 5.4 per month; since 1982 the rate has remained at about 6.4 jailings per month. Furthermore, of all the jailings reported during the past three years, the majority occurred in counties which are not yet participating in Regional Detention Services alternative programs. In 1984, for example, 58 percent of the jailing total (or 45 jailings) occurred in two nonparticipating Upper Peninsula counties, while the other 13 participating counties recorded only 32 jailings.



RECRUITING VOLUNTEERS

One of the keys to the Upper Peninsula's success with an alternative service network is its ability to recruit a steady supply of highly-qualified volunteers. Keeping volunteers active in a program is not a simple task; communities who depend upon them to run their services must develop procedures for drawing in new recruits as well as periodic in-service training workshops to improve skills and help build morale. A number of Upper Peninsula communities are fortunate in that they can make use of college students in their programs. Houghton County, for example, has about 12 volunteers in its holdover/home detention program at present, most of whom are college students majoring in criminal justice or other social service programs at a nearby college. "College students tend to be dependable and they don't mind sitting up all night in a holdover," commented James Kurtl, Juvenile Officer for the county. "They're not as tied down as someone with a regular eight-to-five job, and they like the work because it gives them valuable on-the-job experience." Originally Houghton County recruited most of its volunteers from a local Big Brother program. This gave them a core of people to draw upon while they experimented with other sources for community volunteers.

Since Houghton County operates both a home detention and a holdover program, many of the volunteers who are assigned to a holdover will be able to continue working with a particular youth when the judge puts him on home detention. "The volunteers can really get to know a youth this way," said Kurtl, "and make some good recommendations to the judge as to how the court should handle his problems."

Wayne Gamelin, Probation Officer for Chippewa County, also said that his community draw heavily on a local college through its "Volunteers in Prevention" program. Like Houghton County, Chippewa County's home detention program was a "spin off" of local community service projects. Now, however, about 60 percent of the program's volunteers are college students, though the court still recruits actively from community service organizations and by word of mouth as well. Working closely with a local college provides a steady supply of volunteers who have a professional interest in the program. County representatives are invited once a semester to speak to students in criminal justice and social work courses about the county's alternative services network. Students can volunteer to work in the program for college credit; it serves as a practicum in their field, and at the end of the semester they turn in a paper describing their experiences. By working closely with a local college in this manner, Gamelin said that court officials not only are able to keep highly-qualified volunteers on hand, but they also have an excellent opportunity to make other sectors of the community aware of their work. "These college students bring a lot of

ideals to the program," said Gamelin. "If they can 'save' one youth, they feel they've contributed something positive to society—and at the same time they are working on their career goals too."

The Volunteers in Prevention Program is set up like a Big Brother or Big Sister program, in that it attempts to provide underprivileged youths in the community with positive role models. This is especially important for youths who do not come from effectively functioning family units. When the "match" is right between a youth and the VIP home detention worker, there is a chance that the youth will want to continue meeting with the volunteer after the home detention contract is finished, and that their relationship will develop into a meaningful friendship for both of them. This can be especially exciting for the college students, who tend to be closer in age to the youth, and consequently may be easier for the youth to trust than older adults. Of course, this is not always the case, but either way the youth has an opportunity to receive valuable one-on-one counseling and advice from adults who are in a position to be trusted advisors and friends.

Lynn MacGregor, on the other hand, said that her county doesn't have a local college to draw from, and consequently they generally use college students only during the summertime, when they are at home for summer vacation. "Right now we have about 21 volunteers working in the program," she said, "and we use only ten of them on a regular basis. The others have heavy work schedules. They can't stay up all night in a holdover when they have to work the next day." According to MacGregor, a majority of their volunteers are established community members. "We have one person older than 50, a retired police officer," she said. "But most of our volunteers are in their 30's and 40's. Some are foster parents, some are housewives who want to keep up their degrees in social work or criminal justice, and some just want to become active in local community service projects. We always seem to end up with quite a variety of people, though the one thing that most of them have in common is that they are parents."

The volunteers themselves tend to be the program's best recruiters, according to MacGregor. "Whenever we've advertised for volunteers," she said, "we seem to get a lot of people we can't use. But our own volunteers know the kind of person we're looking for, and consequently we rely on them to do most of our recruiting for us."

THE COST

That this program is a cost-effective solution to the Upper Peninsula's jailing problems has been clear right from the start. In 1984, total costs for direct care services in the Upper Peninsula were \$50,412, a figure which included \$5,594 for the holdovers, \$22,124 for home detention, and \$22,739 for home detention and holdover worker training.

The Michigan Holdover Network

Table Two

**COST OF DIRECT CARE SERVICES
IN THE UPPER PENINSULA
FY 1983-84
(Does not include cost of Transportation Service)**

Service	Total Year's Cost	Total Admission	Cost per Admission	Daily Cost of Service	Average Length of Care	Total Length of Care
Holdovers	\$5,549	74	\$75.00	\$5.70/hour	13 hours*	972 hours
Home Detention	\$22,124	72	\$307.28	\$16.21	19 days	1,365 days
Total Direct Service	\$27,674	146	\$192.18	\$19.68	9.6 days	1,405 days
Training	\$22,739	N/A	N/A	N/A	N/A	N/A
Total Alternative Services	\$50,412	146	\$345.00	\$35.87	9 days	1,405 days
Secure RDC	\$121,090	29	\$4,175.00	\$1,129.98	30 days	884 days

*Maximum time allowed in a secure holdover per admission is 61 hours (secure holdovers are limited to violent offenders). Maximum time allowed in a nonsecure holdover is 16 hours.

N/A = not applicable.

In other words, in 1984 the average daily cost of basic alternative services in the Upper Peninsula was \$35.87 per youth, as compared with the \$136.98 daily rate at the State detention center in Flint.

When we calculate these figures on a per child rather than a per diem basis, the Upper Peninsula's cost savings becomes even more startling. As noted in Table Two, the average cost of care per child for direct alternative services in 1984 was \$345 (\$50,412 divided by 146 juveniles). Also, as noted in Table Two, the Upper Peninsula counties paid an average of \$4,175 per child for the 29 youths sent to secure detention in Flint, where the average length of stay was 30 days. This cost was about *twelve times higher* than the cost of alternative service care.* Because of the drastic cost savings these alternative programs provide, the Department of Social Services has designed its programs to offer several built-in financial incentives for counties using Regional Detention Services. Consequently, the home detention program and the secure and nonsecure holdover network is virtually cost-free for the county, making it extremely difficult for other areas of the State to argue that economic factors make it impossible to keep juveniles out of jail.

*Actually the cost of care per child at Flint was much higher, since the per diem figure does not include the cost of transportation services to and from Flint (58 trips for the Upper Peninsula). Because the vehicle traveling between the Mackinac Bridge and Flint would have picked up youths at Northern Lower Michigan sites as well, transportation costs are extremely difficult to calculate on a per region basis. In 1984 there were a total of 223 trips to Flint from the Upper Peninsula and Northern Lower Michigan, at a total cost of \$38,838 for the year, or \$174.15 per trip.

COMMUNITY RESPONSE

Yet no matter how successful a program is at its inception, or how economically feasible it is, the real test of a regional alternative services network is the local response to it. State officials may like how it looks on paper, but if a community resents it as another instance of the state government's interference in local affairs, or if parents and other community leaders are suspicious of it, the program is not likely to survive.

Local law enforcement officials appreciate the options they now have when they handle runaways. The holdover network gives police officers a choice between putting them in jail or letting them go.

Most communities in the Upper Peninsula are enthusiastic about their alternative services programs. Local law enforcement officials, for example, appreciate the options they now have when they handle a runaway. In the past, when they picked up a runaway whose parents lived in the area, the usual procedure was to drop the youth off at the parent's doorstep. But the minute the youth was out of sight, the police would worry over whether the youth would take off again when the coast was clear. Now that they can bring such youths to a holdover, local law enforcement have a choice between putting runaways in jail or letting them go. Also, once they drop a juvenile off at a holdover, they no longer have liability for the youth's actions. This is of particular concern to law enforcement

Having a locally-based and run program for youthful offenders means that a youth's problems are not likely to be overlooked. Those working most closely with the youth generally know him or her personally—something that parents in the long run appreciate. And local taxpayers and the administrators of adult justice programs are happy as well.

when they have a felony offender on their hands. As James Kurtti put it, "We're saving the local sheriff a lot of trouble!"

Parents for the most part are enthusiastic about the program as well. They are relieved that the county doesn't have to send their children downstate to detain them. As Lynn MacGregor explained, "We may think that a youth's problems are pretty serious, but in one of the big cities downstate, detention officials might not even have time to pay attention to them. They have much more serious problems to deal with."

The key to the general enthusiasm for the program is the fact that it enables local officials to respond to a youth's problems appropriately without endangering the commu-

nity's security—and at the same time, without disrupting or overburdening programs meant only for adults. Smaller communities have certain unique characteristics that can work for local justice officials more than one realizes. In Houghton, for example, local law enforcement officials, the clergy, school administrators, and many of the teachers in the public schools are on a first name basis with each other. When a youth gets in trouble, they are all concerned, and are generally willing to work together to see to it that the youth and his or her family can get some help. Consequently, having a locally-based and run program for youthful offenders means that a youth's problems are not likely to be overlooked. Those working most closely with the youth generally know him or her personally—something that parents in the long run appreciate. And local taxpayers and the administrators of adult justice programs are happy as well.

Ultimately, of course, any juvenile justice program's success depends not upon its economic feasibility or its acceptability to the community, but upon its effect on local youths and their families. Yet even if it fails to keep any one particular youth out of further trouble, everyone concerned agrees that an alternative services program such as the one in Michigan's Upper Peninsula is a far more humane and economical way to try to solve a youth's problems.

Profile is published by the Community Research Associates under contract number OJP-R5-C-007 awarded by the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice. Points of view or opinions stated in this document do not necessarily represent the official position of the U.S. Department of Justice.
